

Nos. 82-2159, 82-2160, 82-2221, 82-2226, 82-2227

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUITJULIUS HOBSON, et al.,

Plaintiffs-Appellees, Cross-Appellants,

v.

JERRY V. WILSON, et al.,

Defendants-Appellants, Cross-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIAJOINT APPENDIX
VOLUME IV - ExhibitsMORTON STAVIS
RANDOLPH SCOTT-McLAUGHLIN
Center for Constitutional Rights
853 Broadway
New York, New York 10279ANNE PILSBURY
Post Office Box 362
New York, New York 10009MARY BORESZ PIKE
Somerstein & Pike
233 Broadway, Suite 670
New York, New York 10279
Attorneys for PlaintiffsRICHARD B. NETTLER
District Building
14th & E Streets, N.W.
Attorney for D.C. DefendantsJ. PAUL McGRATH
Assistant Attorney GeneralSTANLEY S. HARRIS
United States AttorneyBARBARA L. HERWIG
DAVID H. WHITE
MARC JOHNSTON
Attorneys, Civil Division
Department of Justice
Washington, D.C. 20530
Attorneys for FBI DefendantsA. RAYMOND RANDOLPH
Randolph & Fox
4801 Massachusetts Ave., N.W.
Washington, D.C. 20016
Attorney for Defendant Jones

EXHIBIT 15

SAC, Albany, New York - 100-100000

August 23, 1967

PERSONAL ATTENTION TO ALL OFFICES OF

Director, FBIHQ - 100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

PLAINTIFF'S
EXHIBIT

1726

Letter to SAC, Albany
 RE: COUNTERINTELLIGENCE PROGRAM
 BLACK NATIONALIST - HATE GROUPS

to consolidate their forces or to recruit new or youthful adherents must be frustrated. No opportunity should be missed to exploit through counterintelligence techniques the organizational and personal conflicts of the leaderships of the groups and where possible an effort should be made to capitalize upon existing conflicts between competing black nationalist organizations. When an opportunity is apparent to disrupt or neutralize black nationalist, hate-type organizations through the cooperation of established local news media contacts or through such contact with sources available to the Seat of Government, in every instance careful attention must be given to the proposal to insure the targeted group is disrupted, ridiculed, or discredited through the publicity and not merely publicized. Consideration should be given to techniques to preclude violence-prone or rabble-rouser leaders of hate groups from spreading their philosophy publicly or through various mass communication media.

Many individuals currently active in black nationalist organizations have backgrounds of immorality, subversive activity, and criminal records. Through your investigation of key agitators, you should endeavor to establish their unwavering backgrounds. Be alert to determine evidence of misrepresentation or fraud or other types of personal misconduct on the part of militant black nationalist leaders so any practical or warranted counterintelligence may be instituted.

Intensified attention under this program should be directed to the activities of such groups as the

Particular emphasis should be given to extremists who direct the activities and policies of revolutionary or militant groups, such as

At this time the Bureau is setting up no requirement for status letters to be periodically submitted under this program. It will be incumbent upon you to insure the program is being afforded necessary and continuing attention and that no opportunities will be overlooked for counterintelligence action.

This program should not be confused with the program entitled "Communist Party, USA, Counterintelligence Program, Internal Security - C," which is directed

Letter to SAC
 RE: COUNTERINTELLIGENCE
 BLACK IS

against the C
 program entit
 Disruption of
 against Klan
 memberships.

All
 investigation
 their members
 interest and
 call to the
 suggestions
 You are also
 in such that
 the program
 within-office
 and technique

be initiated
 authorized

You
 approach to
 will be placed
 May recommended

THE HISTORY OF THE
CITY OF BOSTON
FROM 1630 TO 1800

The history of the city of Boston from 1630 to 1800 is a story of growth and change. It begins with the arrival of the first settlers in 1630, who founded the city as a haven for Puritans seeking religious freedom. The city grew rapidly, becoming a major center of trade and commerce in the New England region. By the 18th century, Boston was one of the most important cities in the colonies, known for its role in the American Revolution. The city's history is marked by significant events, including the Boston Tea Party and the Battle of Bunker Hill. The city's growth continued into the 19th century, as it became a major center of industry and commerce. The city's history is a testament to the resilience and spirit of its people.

The city of Boston has a rich and varied history. It has been a center of trade and commerce for centuries, and its role in the American Revolution is well-known. The city's growth has been remarkable, and it has become one of the most important cities in the United States. The city's history is a story of resilience and growth, and it is a testament to the spirit of its people. The city's history is a story of growth and change, and it is a testament to the resilience and spirit of its people.

The city of Boston has a rich and varied history. It has been a center of trade and commerce for centuries, and its role in the American Revolution is well-known. The city's growth has been remarkable, and it has become one of the most important cities in the United States. The city's history is a story of resilience and growth, and it is a testament to the spirit of its people. The city's history is a story of growth and change, and it is a testament to the resilience and spirit of its people.

The city of Boston has a rich and varied history. It has been a center of trade and commerce for centuries, and its role in the American Revolution is well-known. The city's growth has been remarkable, and it has become one of the most important cities in the United States. The city's history is a story of resilience and growth, and it is a testament to the spirit of its people. The city's history is a story of growth and change, and it is a testament to the resilience and spirit of its people.

Letter to SAC, Albany
 RE: COUNTERINTELLIGENCE PROGRAM
 BLACK NATIONALIST - HATE GROUPS

against the Communist Party and related organizations, or the program entitled "Counterintelligence Program, Internal Security, Disruption of Hate Groups," which is directed against Klan and hate-type groups primarily consisting of white memberships.

All Special Agent personnel responsible for the investigation of black nationalist, hate-type organizations and their memberships should be alerted to our counterintelligence interest and each investigative agent has a responsibility to call to the attention of the counterintelligence coordinator suggestions and possibilities for implementing the program. You are also cautioned that the nature of this new endeavor is such that under no circumstances should the existence of the program be made known outside the Bureau and appropriate within-office security should be afforded to sensitive operations, and techniques considered under the program.

No counterintelligence action under this program may be initiated by the field without specific Bureau authorization.

You are urged to take an enthusiastic and imaginative approach to this new counterintelligence endeavor and the Bureau will be pleased to entertain any suggestions or techniques you may recommend.

RECEIVED 11-11-51

THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOHN HUTCHINGS
OF THE BARRISTER AT LAW
IN THE SUPREME COURT OF JUDICATURE
IN NEW ENGLAND
AND
OF THE BARRISTER AT LAW
IN THE SUPREME COURT OF JUDICATURE
IN GREAT BRITAIN
AND
OF THE BARRISTER AT LAW
IN THE SUPREME COURT OF JUDICATURE
IN IRELAND
IN TWO VOLUMES
THE FIRST VOLUME
CONTAINING THE HISTORY
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
IN TWO VOLUMES
THE SECOND VOLUME
CONTAINING THE HISTORY
FROM THE PRESENT TIME
TO THE PRESENT TIME
IN TWO VOLUMES
THE THIRD VOLUME
CONTAINING THE HISTORY
FROM THE PRESENT TIME
TO THE PRESENT TIME
IN TWO VOLUMES
THE FOURTH VOLUME
CONTAINING THE HISTORY
FROM THE PRESENT TIME
TO THE PRESENT TIME
IN TWO VOLUMES

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: February 23, 1968

FROM : G. C. Moore *gcm/hw*

1 - Mr. C. D. DeLoach
1 - Mr. W. C. Sullivan
1 - Mr. G. C. Moore
1 - Mr. T. D. Rushing
1 - Mr. T. J. Deakin

SUBJECT: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS
RACIAL INTELLIGENCE

PURPOSE:

To expand the Counterintelligence Program designed to neutralize militant black nationalist groups from 23 to 41 field divisions so as to cover the great majority of black nationalist activity in this country.

BACKGROUND:

By letter dated August 25, 1967, 23 field offices were advised of a new Counterintelligence Program designed to neutralize militant black nationalists and prevent violence on their part. Goals of this program are to prevent the coalition of militant black nationalist groups, prevent the rise of a leader who might unify and electrify these violence-prone elements, prevent these militants from gaining respectability and prevent the growth of these groups among America's youth.

CURRENT DEVELOPMENTS:

In view of the tremendous increase in black nationalist activity, and the approach of summer, this program should be expanded and these goals should be reiterated to the field. Attached airtel also instructs the field to submit periodic progress letters to stimulate thinking in this area.

Attached airtel also reminds the field that counterintelligence suggestions to expose these militants or neutralize them must be approved by the Bureau.

ACTION:

That attached airtel expanding this program, defining goals and instructing periodic progress letters be submitted be sent Albany and the other listed field offices.

Enclosure

JJD:ram (6)

426443

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

435129

1729

PLAINTIFF'S
EXHIBIT

2a

MEMORANDUM
FOR THE RECORD

DATE: 10/1/54

TO: Mr. Tolson

- 1 - Mr. Tolson
- 2 - Mr. E. A. Tamm
- 3 - Mr. Clegg
- 4 - Mr. Glavin
- 5 - Mr. Ladd
- 6 - Mr. Nichols
- 7 - Mr. Rosen
- 8 - Mr. Tracy
- 9 - Mr. Carson
- 10 - Mr. Egan
- 11 - Mr. Gurnea
- 12 - Mr. Harbo
- 13 - Mr. Hendon
- 14 - Mr. Pennington
- 15 - Mr. Quinn
- 16 - Mr. Nease
- 17 - Miss Gandy

FROM: Mr. Clegg

SUBJECT: [Illegible]

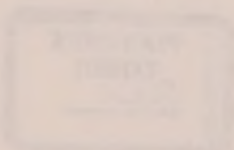
[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]



FBI

Date: 3/4/68

Transmit the following in

(Type in plaintext or code)

Via AIRTEL

(Priority)

To: SAC, Albany

PERSONAL ATTENTION

From: *Jus* Director, FBI (100-448006)

COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS
RACIAL INTELLIGENCE

Title is changed to substitute Racial Intelligence
for Internal Security for Bureau routing purposes.

PERSONAL ATTENTION FOR ALL THE FOLLOWING SACs

- | | |
|------------------|-------------------|
| 2 - Atlanta | 2 - Minneapolis |
| 2 - Baltimore | 2 - Mobile |
| 2 - Birmingham | 2 - Newark |
| 2 - Boston | 2 - New Haven |
| 2 - Buffalo | 2 - New Orleans |
| 2 - Charlotte | 2 - New York |
| 2 - Chicago | 2 - Omaha |
| 2 - Cincinnati | 2 - Philadelphia |
| 2 - Cleveland | 2 - Phoenix |
| 2 - Denver | 2 - Pittsburgh |
| 2 - Detroit | 2 - Portland |
| 2 - Houston | 2 - Richmond |
| 2 - Indianapolis | 2 - Sacramento |
| 2 - Jackson | 2 - San Diego |
| 2 - Jacksonville | 2 - San Francisco |
| 2 - Kansas City | 2 - Seattle |
| 2 - Los Angeles | 2 - Springfield |
| 2 - Memphis | 2 - St. Louis |
| 2 - Miami | 2 - Tampa |
| 2 - Milwaukee | 2 - WFO |

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

2 copies made 8/2/80
12/21/77 JFM:mac
as Coital
for review at [redacted] by
[redacted] 11/30/77 request. File - 5
(See Bufile #100-117290)
100-448006-19

Sent Via

ENCLOSURE

PLAINTIFF'S
EXHIBIT

1730

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

BACKGROUND

By letter dated 8/25/67 the following offices were advised of the beginning of a Counterintelligence Program against militant Black Nationalist-Hate Groups:

Albany	Memphis
Atlanta	Newark
Baltimore	New Orleans
Boston	New York
Buffalo	Philadelphia
Charlotte	Phoenix
Chicago	Pittsburgh
Cincinnati	Richmond
Cleveland	St. Louis
Detroit	San Francisco
Jackson	Washington Field
Los Angeles	

Each of the above offices was to designate a Special Agent to coordinate this program. Replies to this letter indicated an interest in counterintelligence against militant black nationalist groups that foment violence and several offices outlined procedures which had been effective in the past. For example, Washington Field Office had furnished information about a new Nation of Islam (NOI) grade school to appropriate authorities in the District of Columbia who investigated to determine if the school conformed to District regulations for private schools. In the process WFO obtained background information on the parents of each pupil.

The Revolutionary Action Movement (RAM), a pro-Chinese communist group, was active in Philadelphia, Pa., in the summer of 1967. The Philadelphia Office alerted local police, who then put RAM leaders under close scrutiny. They were arrested on every possible charge until they could no longer make bail. As a result, RAM leaders spent most of the summer in jail and no violence traceable to RAM took place.

The Counterintelligence Program is now being expanded to include 41 offices. Each of the offices added to this program should designate an Agent familiar with black

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

nationalist activity, and interested in counterintelligence, to coordinate this program. This Agent will be responsible for the periodic progress letters being requested, but each Agent working this type of case should participate in the formulation of counterintelligence operations.

GOALS

For maximum effectiveness of the Counterintelligence Program, and to prevent wasted effort, long-range goals are being set.

1. Prevent the coalition of militant black nationalist groups. In unity there is strength; a truism that is no less valid for all its triteness. An effective coalition of black nationalist groups might be the first step toward a real "Mau Mau" in America, the beginning of a true black revolution.

2. Prevent the rise of a "messiah" who could unify, and electrify, the militant black nationalist movement. Malcolm X might have been such a "messiah;" he is the martyr of the movement today. Martin Luther King, Stokely Carmichael and Elijah Muhammad all aspire to this position. Elijah Muhammad is less of a threat because of his age. King could be a very real contender for this position should he abandon his supposed "obedience" to "white, liberal doctrines" (nonviolence) and embrace black nationalism. Carmichael has the necessary charisma to be a real threat in this way.

3. Prevent violence on the part of black nationalist groups. This is of primary importance, and is, of course, a goal of our investigative activity; it should also be a goal of the Counterintelligence Program. Through counterintelligence it should be possible to pinpoint potential troublemakers and neutralize them before they exercise their potential for violence.

4. Prevent militant black nationalist groups and leaders from gaining respectability, by discrediting them to three separate segments of the community. The goal of discrediting black nationalists must be handled tactically in three ways. You must discredit these groups and individuals to, first, the responsible Negro community. Second, they must be discredited to the white community,

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

both the responsible community and to "liberals" who have vestiges of sympathy for militant black nationalist simply because they are Negroes. Third, these groups must be discredited in the eyes of Negro radicals, the followers of the movement. This last area requires entirely different tactics from the first two. Publicity about violent tendencies and radical statements merely enhances black nationalists to the last group; it adds "respectability" in a different way.

5. A final goal should be to prevent the long-range growth of militant black nationalist organizations, especially among youth. Specific tactics to prevent these groups from converting young people must be developed.

Besides these five goals counterintelligence is a valuable part of our regular investigative program as it often produces positive information.

TARGETS

Primary targets of the Counterintelligence Program, Black Nationalist-Hate Groups, should be the most violent and radical groups and their leaders. We should emphasize those leaders and organizations that are nationwide in scope and are most capable of disrupting this country. These targets should include the radical and violence-prone leaders, members, and followers of the:

USA { ~~Student Nonviolent Coordinating Committee (SNCC)~~,
~~Southern Christian Leadership Conference (SCLC)~~,
~~Revolutionary Action Movement (RAM)~~,
Nation of Islam (NOI)

O Offices handling these cases and those of Stokely Carmichael of SNCC, H. Rap Brown of SNCC, Martin Luther King of SCLC, Maxwell Stanford of RAM, and Elijah Muhammad of NOI, should be alert for counterintelligence suggestions.

INSTRUCTIONS

Within 30 days of the date of this letter each office should:

1. Advise the Bureau of the identity of the Special Agent assigned to coordinate this program.

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

2. Submit a very succinct summary of the black nationalist movement in the field office territory. Include name, number of members and degree of activity of each black nationalist group. Also state your estimate of each group's propensity for violence. This is for target evaluation only, not for record purposes. Second, list Rabble-Rouser Index subjects who are militant black nationalists and any other militant black nationalist leaders who might be future targets of counterintelligence action because of their propensity for violence. Include a minimum of background information on each person listed; a few descriptive sentences should suffice.

3. List those organizations and individuals you consider of such potential danger as to be considered for current counterintelligence action. Briefly justify each target.

4. Submit any suggestion you have for overall counterintelligence action or the administration of this program. Suggestions for action against any specific target should be submitted by separate letter.

5. Submit, by separate letter, suggestions for counterintelligence action against the targets previously listed as field-wide. These should not be general, such as "publicize Stokely Carmichael's travel to communist countries," but should be specific as to target, what is to be done, what contacts are to be used, and all other information needed for the Bureau to approve a counterintelligence operation.

Thereafter, on a ninety-day basis, each office is to submit a progress letter summarizing counterintelligence operations proposed during the period, operations effected, and tangible results. Any changes in the overall black nationalist movement should be summarized in this letter. This should include new organizations, new leaders, and any changes in data listed under number two above. Suggestions for counterintelligence operations should not be set out in this progress letter. Use the following captions:

1. Operations Under Consideration, 2. Operations Being Effected, 3. Tangible Results, and 4. Developments of Counterintelligence Interest. These 90-day progress letters are due at the Bureau the first day of March, June, September, and December, excepting March, 1968.

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

The effectiveness of counterintelligence depends on the quality and quantity of positive information available regarding the target and on the imagination and initiative of Agents working the program. The response of the field to the Counterintelligence Program against the Communist Party, USA, indicates that a superb job can be done by the field on counterintelligence.

Counterintelligence operations must be approved by the Bureau. Because of the nature of this program each operation must be designed to protect the Bureau's interest so that there is no possibility of embarrassment to the Bureau. Beyond this the Bureau will give every possible consideration to your proposals.

RA

UNCLASSIFIED

3/4/68

AIRTEL

- 1 - Mr. C. D. DeLoach
- 1 - Mr. W. C. Sullivan
- 1 - Mr. G. C. Moore
- 1 - Mr. T. D. Rushing
- 1 - Mr. T. J. Deakin

To: SAC, Albany

PERSONAL ATTENTION

REC 18

From: Director, FBI (100-448006) — 19

COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS
RACIAL INTELLIGENCE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/11/80 BY SP3 DSD/

MAILED 12
MAR 5 1968
COMM-FBI

Title is changed to substitute Racial Intelligence
for Internal Security for Bureau routing purposes.

PERSONAL ATTENTION FOR ALL THE FOLLOWING SACS

- | | |
|------------------|-------------------|
| 2 - Atlanta | 2 - Minneapolis |
| 2 - Baltimore | 2 - Mobile |
| 2 - Birmingham | 2 - Newark |
| 2 - Boston | 2 - New Haven |
| 2 - Buffalo | 2 - New Orleans |
| 2 - Charlotte | 2 - New York |
| 2 - Chicago | 2 - Omaha |
| 2 - Cincinnati | 2 - Philadelphia |
| 2 - Cleveland | 2 - Phoenix |
| 2 - Denver | 2 - Pittsburgh |
| 2 - Detroit | 2 - Portland |
| 2 - Houston | 2 - Richmond |
| 2 - Indianapolis | 2 - Sacramento |
| 2 - Jackson | 2 - San Diego |
| 2 - Jacksonville | 2 - San Francisco |
| 2 - Kansas City | 2 - Seattle |
| 2 - Los Angeles | 2 - Springfield |
| 2 - Memphis | 2 - St. Louis |
| 2 - Miami | 2 - Tampa |
| 2 - Milwaukee | 2 - WFO |

FILE PROCESSED FOR REL
IN CIVIL DISCOVERY
DATE 3/13/78
FILE # 62-117955

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TJD:ram (88)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

SEE NOTE PAGE SIX

54 MAR 18 1968

426436

435122

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

BACKGROUND

By letter dated 8/25/67 the following offices were advised of the beginning of a Counterintelligence Program against militant Black Nationalist-Hate Groups:

Albany	Memphis
Atlanta	Newark
Baltimore	New Orleans
Boston	New York
Buffalo	Philadelphia
Charlotte	Phoenix
Chicago	Pittsburgh
Cincinnati	Richmond
Cleveland	St. Louis
Detroit	San Francisco
Jackson	Washington Field
Los Angeles	

Each of the above offices was to designate a Special Agent to coordinate this program. Replies to this letter indicated an interest in counterintelligence against militant black nationalist groups that foment violence and several offices outlined procedures which had been effective in the past. For example, Washington Field Office had furnished information about a new Nation of Islam (NOI) grade school to appropriate authorities in the District of Columbia who investigated to determine if the school conformed to District regulations for private schools. In the process WFO obtained background information on the parents of each pupil.

The Revolutionary Action Movement (RAM), a pro-Chinese communist group, was active in Philadelphia, Pa., in the summer of 1967. The Philadelphia Office alerted local police, who then put RAM leaders under close scrutiny. They were arrested on every possible charge until they could no longer make bail. As a result, RAM leaders spent most of the summer in jail and no violence traceable to RAM took place.

The Counterintelligence Program is now being expanded to include 41 offices. Each of the offices added to this program should designate an Agent familiar with black

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

nationalist activity, and interested in counterintelligence, to coordinate this program. This Agent will be responsible for the periodic progress letters being requested, but each Agent working this type of case should participate in the formulation of counterintelligence operations.

GOALS

For maximum effectiveness of the Counterintelligence Program, and to prevent wasted effort, long-range goals are being set.

1. Prevent the coalition of militant black nationalist groups. In unity there is strength; a truism that is no less valid for all its triteness. An effective coalition of black nationalist groups might be the first step toward a real "Mau Mau" in America, the beginning of a true black revolution.

2. Prevent the rise of a "messiah" who could unify, and electrify, the militant black nationalist movement. Malcolm X might have been such a "messiah;" he is the martyr of the movement today. Martin Luther King, Stokely Carmichael and Elijah Muhammad all aspire to this position. Elijah Muhammad is less of a threat because of his age. King could be a very real contender for this position should he abandon his supposed "obedience" to "white, liberal doctrines" (nonviolence) and embrace black nationalism. Carmichael has the necessary charisma to be a real threat in this way.

3. Prevent violence on the part of black nationalist groups. This is of primary importance, and is, of course, a goal of our investigative activity; it should also be a goal of the Counterintelligence Program. Through counterintelligence it should be possible to pinpoint potential troublemakers and neutralize them before they exercise their potential for violence.

4. Prevent militant black nationalist groups and leaders from gaining respectability, by discrediting them to three separate segments of the community. The goal of discrediting black nationalists must be handled tactically in three ways. You must discredit these groups and individuals to, first, the responsible Negro community. Second, they must be discredited to the white community,

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

both the responsible community and to "liberals" who have vestiges of sympathy for militant black nationalist simply because they are Negroes. Third, these groups must be discredited in the eyes of Negro radicals, the followers of the movement. This last area requires entirely different tactics from the first two. Publicity about violent tendencies and radical statements merely enhances black nationalists to the last group; it adds "respectability" in a different way.

5. A final goal should be to prevent the long-range growth of militant black nationalist organizations, especially among youth. Specific tactics to prevent these groups from converting young people must be developed.

Besides these five goals counterintelligence is a valuable part of our regular investigative program as it often produces positive information.

TARGETS

Primary targets of the Counterintelligence Program, Black Nationalist-Hate Groups, should be the most violent and radical groups and their leaders. We should emphasize those leaders and organizations that are nationwide in scope and are most capable of disrupting this country. These targets should include the radical and violence-prone leaders, members, and followers of the:

Student Nonviolent Coordinating Committee (SNCC),
Southern Christian Leadership Conference (SCLC),
Revolutionary Action Movement (RAM),
Nation of Islam (NOI)

Offices handling these cases and those of Stokely Carmichael of SNCC, H. Rap Brown of SNCC, Martin Luther King of SCLC, Marrell Stanford of RAM, and Elijah Muhammad of NOI, should be alert for counterintelligence suggestions.

INSTRUCTIONS

Within 30 days of the date of this letter each office should:

1. Advise the Bureau of the identity of the Special Agent assigned to coordinate this program.

- 4 -

435126

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

2. Submit a very succinct summary of the black nationalist movement in the field office territory. Include name, number of members and degree of activity of each black nationalist group. Also state your estimate of each group's propensity for violence. This is for target evaluation only, not for record purposes. Second, list Rabble-Rouser Index subjects who are militant black nationalists and any other militant black nationalist leaders who might be future targets of counterintelligence action because of their propensity for violence. Include a minimum of background information on each person listed; a few descriptive sentences should suffice.

3. List those organizations and individuals you consider of such potential danger as to be considered for current counterintelligence action. Briefly justify each target.

4. Submit any suggestion you have for overall counterintelligence action or the administration of this program. Suggestions for action against any specific target should be submitted by separate letter.

5. Submit, by separate letter, suggestions for counterintelligence action against the targets previously listed as field-wide. These should not be general, such as "publicize Stokely Carmichael's travel to communist countries," but should be specific as to target, what is to be done, what contacts are to be used, and all other information needed for the Bureau to approve a counterintelligence operation.

Thereafter, on a ninety-day basis, each office is to submit a progress letter summarizing counterintelligence operations proposed during the period, operations effected, and tangible results. Any changes in the overall black nationalist movement should be summarized in this letter. This should include new organizations, new leaders, and any changes in data listed under number two above. Suggestions for counterintelligence operations should not be set out in this progress letter. Use the following captions:

1. Operations Under Consideration, 2. Operations Being Effected, 3. Tangible Results, and 4. Developments of Counterintelligence Interest. These 90-day progress letters are due at the Bureau the first day of March, June, September, and December, excepting March, 1953.

135127

Airtel to SAC, Albany
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS

The effectiveness of counterintelligence depends on the quality and quantity of positive information available regarding the target and on the imagination and initiative of Agents working the program. The response of the field to the Counterintelligence Program against the Communist Party, USA, indicates that a superb job can be done by the field on counterintelligence.

Counterintelligence operations must be approved by the Bureau. Because of the nature of this program each operation must be designed to protect the Bureau's interest so that there is no possibility of embarrassment to the Bureau. Beyond this the Bureau will give every possible consideration to your proposals.

NOTE:

See memorandum G. C. Moore to Mr. W. C. Sullivan captioned as above dated 2/2/68, prepared by TJD:rmx.

- 6 -

426442

435128

Memorandum

TO : Mr. W. C. Sullivan

DATE: 5/9/68

FROM : C. D. Brennan

SUBJECT: COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY
DISRUPTION OF THE NEW LEFT

Our Nation is undergoing an era of disruption and violence caused to a large extent by various individuals generally connected with the New Left. Some of these activists urge revolution in America and call for the defeat of the United States in Vietnam. They continually and falsely allege police brutality and do not hesitate to utilize unlawful acts to further their so-called causes. The New Left has on many occasions viciously and scurrilously attacked the Director and the Bureau in an attempt to hamper our investigation of it and to drive us off the college campuses. With this in mind, it is our recommendation that a new Counterintelligence Program be designed to neutralize the New Left and the Key Activists. The Key Activists are those individuals who are the moving forces behind the New Left and on whom we have intensified our investigations.

The purpose of this program is to expose, disrupt and otherwise neutralize the activities of this group and persons connected with it. It is hoped that with this new program their violent and illegal activities may be reduced if not curtailed.

General instructions are being furnished to all office relating to the purpose and administration of this new program. Briefly, these instructions require all offices to submit an analysis of possible counterintelligence operations on the New Left and on the Key Activists on or before 6/1/68, including any specific recommendations for action. Thereafter, all offices will submit a 90-day status letter setting forth a summary of their accomplishments and future plans. Each office will maintain a pending case and assign experienced

Enclosure

EPG/BAW:jms
(9)

1 - Mr. Felt
1 - Mr. DeLoach
1 - Mr. W. C. Sullivan
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]

1 - [REDACTED]
1 - [REDACTED]

CONTINUED - OVER

BRENNAN - Plaintiff's Ex. 1

1742

PLAINTIFF'S
EXHIBIT

3

Memo to Mr. Sullivan
Re: COUNTERINTELLIGENCE PROGRAM

personnel to this program. All proposed counterintelligence action must be approved at the Seat of Government prior to instituting it. This new program will be supervised at the Seat of Government by a Special Agent supervisor in the Internal Security Section.

RECOMMENDATIONS:

- 1) That the Domestic Intelligence Division be authorized to immediately initiate a coordinated Counterintelligence Program directed at exposing, disrupting, and otherwise neutralizing the New Left and Key Activists.
- 2) That the attached letter setting forth instructions for the administration and immediate enactment of the program be forwarded to all offices.

TRP
✓
Wes
GK.
LA

SAC, Albany

1 - Mr. Felt
1 - Mr. DeLoach
1 - Mr. W.C. Sullivan
5/10/68

Director, FBI 100 - 449698

REC-25

COUNTERINTELLIGENCE PROGRAM
INTERNAL SECURITY
DISRUPTION OF THE NEW LEFT

1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]

Effective immediately, the Bureau is instituting a Counterintelligence Program directed against the New Left movement and its Key Activists. All offices are instructed to immediately open an active control file, captioned as above, and to assign responsibility for this program to an experienced and imaginative Special Agent who is well versed in investigation of the New Left and its membership.

The purpose of this program is to expose, disrupt, and otherwise neutralize the activities of the various New Left organizations, their leadership and adherents. It is imperative that the activities of these groups be followed on a continuous basis so we may take advantage of all opportunities for counterintelligence and also inspire action in instances where circumstances warrant. The devious maneuvers and duplicity of these activists must be exposed to public scrutiny through the cooperation of reliable news media sources, both locally and at the seat of Government. We must frustrate every effort of these groups and individuals to consolidate their forces or to recruit new or youthful adherents. In every instance, consideration should be given to disrupting the organized activity of these groups and opportunity should be seized to capitalize upon organizational and personal conflicts of their leadership.

On or before June 1, 1968, all offices are instructed to submit to the Bureau a detailed analysis of potential counterintelligence action against New Left organizations and Key Activists within their respective territories. Specific recommendations should be included for any logical immediate counterintelligence action. Recommendations submitted under this program must include all necessary facts to enable the Bureau to intelligently assess upon the feasibility of the proposed action. In instances where a reliable and cooperative news media representative or other

2 - All Offices

FO/DAK:jms

(129)

6 MAY 29 1968

MAIL ROOM ☒ TELETYPE UNIT ☐

SEE NOTE PAGE THREE

Letter to Albany
Re: COUNTERINTELLIGENCE PROGRAM

source outside the Bureau is to be contacted or utilized in connection with a proposed counterintelligence operation, it will be incumbent upon the recommending office to furnish assurances the source will not reveal the Bureau's interest or betray our confidence.

Offices which have investigative responsibility for Key Activists should specifically comment in the initial letter to the Bureau regarding these individuals. As these offices are aware, these individuals have been identified as the moving forces behind the New Left.

No counterintelligence action may be initiated by the field without specific Bureau authorization.

Commencing July 1, 1968, and every three months thereafter, each participating office should submit to the Bureau a status letter covering the prior 3-month period, including comments under the following captions.

- 1) Potential Counterintelligence Action
- 2) Pending Counterintelligence Action
- 3) Tangible Results

If necessary, a fourth caption 'Miscellaneous' may be utilized for additional comments.

Recommendations for counterintelligence action should not be included in the 90-day status letters to the Bureau, but should be submitted individually by separate letter.

All Special Agent personnel responsible for the investigation of the New Left and the Key Activists should be alerted to our counterintelligence plans relating to these groups. Counterintelligence action directed at these groups is intended to complement and stimulate our accelerated intelligence investigations. Each investigative agent has a responsibility to call to the attention of the counterintelligence coordinator suggestions and possibilities for implementing the program. You are cautioned

~~Library~~
~~Internal~~ COUNTERINTELLIGENCE PROGRAM

that the nature of this new endeavor is such that under no circumstances should the existence of the program be made known outside the Bureau and appropriate within-office security should be afforded this sensitive operation.

The Bureau has been very closely following the activities of the New Left and the Key Activists and is highly concerned that the anarchistic activities of a few can paralyze institutions of learning, induction centers, cripple traffic, and tie the arms of law enforcement officials all to the detriment of our society. The organizations and activists who spout revolution and unlawfully challenge society to obtain their demands must not only be contained, but must be neutralized. Law and order is mandatory for any civilized society to survive. Therefore, you must approach this new endeavor with a forward look, enthusiasm, and interest in order to accomplish our responsibilities. The importance of this new endeavor cannot and will not be overlooked.

NOTE:

See cover memorandum, C.D. Brennan to Mr. W.C. Sullivan, dated 5/8/68, same caption, prepared by EPG/BAW:jms.

COINTELPRO: THE FBI'S COVERT ACTION PROGRAMS
AGAINST AMERICAN CITIZENS

I. INTRODUCTION AND SUMMARY

This report is based on a staff study of more than 20,000 pages of Bureau documents, depositions of many of the Bureau agents involved in the programs, and interviews of several COINTELPRO targets.

A. "Counterintelligence Program": A Misnomer for Domestic Covert Action

COINTELPRO is an acronym for "counterintelligence program."

Counterintelligence is defined as those actions by an intelligence agency intended to protect its own security and to undermine hostile intelligence operations. Under COINTELPRO certain techniques the Bureau has used against hostile foreign agents were adopted for use against perceived domestic threats to the established political and social order. The formal programs which incorporated these techniques were, therefore, also called "counterintelligence."

"Covert action" is, however, a more accurate term for the Bureau's programs directed against American citizens. "Covert action is the label applied to clandestine activities intended to influence political choices and social values.

B. Who Were the Targets?

1. The Five Targeted Groups

The Bureau's covert action programs were aimed at five perceived threats to domestic tranquility: the "Communist Party, USA" program (1956-71); the "Socialist Workers Party" program (1961-69); the "White Hate Group" program (1964-71); the "Black Nationalist-Hate Group" program (1967-71); and the "New Left" program (1968-71).

2. Labels Without Meaning



The Bureau's titles for its programs should not be accepted uncritically. They imply a precision of definition and of targeting which did not exist.

Even the names of the later programs had no clear definition. The Black Nationalists program, according to its supervisor, included "a great number of organizations that you might not today characterize as black nationalist but which were in fact primarily black." Indeed, the nonviolent Southern Christian Leadership Conference was labeled as a Black Nationalist "Hate Group." Nor could anyone at the Bureau even define "New Left," except as "more or less an attitude."

Furthermore, the actual targets were chosen from a far broader group than the names of the programs would imply.

C. What Were the Purposes of COINTELPRO?

The breadth of targeting and lack of subversive content in the descriptive titles of the programs reflect the range of motivations for COINTELPRO activity: protecting national security, preventing violence, and maintaining the existing social and political order by "disrupting" and "neutralizing" groups and individuals perceived as threats.

Protecting national security and preventing violence are the purposes advanced by the Bureau for COINTELPRO. There is another purpose for COINTELPRO which is not explicit but which offers the only explanation for those actions which had no conceivable rational relationship to either national security or violent activity. The unexpressed major premise of much of COINTELPRO is that the Bureau has a role in maintaining the existing social order, and that its efforts should be aimed toward combating those who threaten that order.

The "New Left" COINTELPRO presents the most striking example of this attitude. As discussed earlier, the Bureau did not define the term "New Left," and the range of targets went far beyond the alleged "subversives" or "extremists."

It is significant that the five domestic COINTELPROs were started against the five groups which were the subject of intensified investigative programs.

Each program depended on an intensive intelligence effort to provide the information used to disrupt the target groups.

[Not part of the Senate Select Committee Report, but stipulated by the parties]

The Black Nationalist COINTELPRO was set up approximately two months prior to the establishment of the Racial Intelligence Section

The originating New Left letter has asked all recipient offices to respond with suggestions for counterintelligence action. Those responses were analyzed and a letter sent to all offices on July 6, 1968, setting forth suggestions for counterintelligence action which could be utilized by all offices. Briefly the techniques are:

(1) preparing leaflets designed to discredit student demonstrators, using photographs of New Left leadership at the respective universities. "Naturally, the most obnoxious pictures should be used";

(2) instigating "personal conflicts or animosities" between New Left leaders;

(9) exploiting the hostility among the SDS and other New Left groups toward the SWP, YSA, and the Progressive Labor Party;

(11) using cartoons, photographs, and anonymous letters to "ridicule" the New Left; and

(12) using "misinformation" to "confuse and disrupt" New Left activities, such as by notifying members that events have been cancelled.

As noted earlier, the lack of any Bureau definition of "New Left" resulted in targeting almost every anti-war group,

None of the Bureau witnesses deposed believes the New Left COINTELPRO was generally effective, in part because of the imprecise targeting.

In one "disinformation" case, the Chicago Field Office duplicated blank forms prepared by the National Mobilization Committee to End the War in Vietnam ("NMC") soliciting housing for demonstrators coming to Chicago for the Democratic National Convention. Chicago filled out 217 of these forms with fictitious names and addresses and sent them to the NMC, which provided them to demonstrators who made "long and useless journeys to locate these addresses." The NMC then decided to discard all replies received on the housing forms rather than have out-of-town demonstrators try to locate nonexistent addresses. (The same program was carried out when the Washington Mobilization Committee distributed housing forms for demonstrators coming to Washington for the 1969 Presidential inaugural ceremonies.)

In another case, during the demonstrations accompanying inauguration ceremonies, the Washington Field Office discovered that NMC marshals were using walkie-talkies to coordinate their movements and activities WFO used the same citizen band to supply the marshals with misinformation and, pretending to be an NMC unit, countermanded NMC orders.

In a third case a midwest field office disrupted arrangements for state university students to attend the 1969 inaugural demon-

strations by making a series of anonymous telephone calls to the transportation company. The calls were designed to confuse both the transportation company and the SDS leaders as to the cost of transportation and the time and place for leaving and returning. This office also placed confusing leaflets around the campus to show different times and places for demonstration-planning meetings, as well as conflicting times and dates for traveling to Washington.

A. Propaganda

The Bureau's COINTELPRO propaganda efforts used three basic techniques: (1) mailing reprints of newspaper and magazine articles to group members or potential supporters intended to convince them of the error of their ways; (2) writing articles for or furnishing information to "friendly" media sources to "expose" target groups; and (3) writing, printing, and disseminating pamphlets and fliers without identifying the Bureau as the source.

2. "Friendly" Media

Much of the Bureau's propaganda efforts involved giving information or articles to "friendly" media sources who could be relied upon not to reveal the Bureau's interests. The Crime Records Division of the Bureau was responsible for public relations, including all headquarters contacts with the media. In the course of its work (most of which had nothing to do with COINTELPRO) the Division assembled a list of "friendly" news media sources--those who wrote pro-Bureau stories. Field offices also had "confidential sources"

(unpaid Bureau informants) in the media, and were able to ensure their cooperation.

The Bureau's use of the news media took two different forms: placing unfavorable articles and documentaries about targeted groups, and leaking derogatory information intended to discredit individuals.

The Bureau . . . planted derogatory articles about the Poor People's Campaign, the Institute for Policy Studies, . . . the National Mobilization Committee, and a host of other organizations it believed needed to be seen in their "true light."

The Bureau occasionally drafted, printed, and distributed its own propaganda. These pieces were usually intended to ridicule their targets.

Interviewing group members or supporters was an overt "investigative" technique sometimes used for the covert purpose of disruption.

The Bureau attempted to exercise stringent internal controls over COINTELPRO. All counterintelligence proposals had to be approved by headquarters. Every originating COINTELPRO document contains a strong warning to the field that "no counterintelligence action may be initiated by the field without specific Bureau authorization." The field would send a proposal under the COINTELPRO caption to the Seat of Government—the Bureau term for headquarters—where it would be routed to the Section Chief of the section handling the particular COINTELPRO program.

The recommendation would then be attached to the proposal, beginning the process of administrative review. The lowest level on which a proposal could be approved was the Assistant Director,

Domestic Intelligence Division, to whom the Section Chief reported via the Branch Chief. More often, the proposal would go through the Assistant to the Director and often to the Director himself.

2. Coordination

The Counterintelligence programs were coordinated with the rest of the section's work primarily through informal contacts, but also through section meetings and the Section Chief's knowledge of the work of his entire section.

Further, although the initial COINTELPRO was an effort to centralize what had been an ad hoc series of field actions, the programs continued to be essentially field-oriented with little target selection by headquarters. However, the Section Chief would attempt to make sure targets were being effectively chosen by occasionally sending out directives to field offices to intensify the investigation of a particular individual or group and to consider the subject for counterintelligence action.

3. Results

Participating field offices were required to send in status letters (usually every ninety days) reporting any tangible results. They were instructed to resolve any doubts as to whether a counterintelligence action caused the observed result in their favor. Nevertheless, results were reported in only 527 cases, or 22 percent, of the approved actions. When a "good" result was reported, the field office or agent involved frequently received a letter of commendation or incentive award.

4. Blurred Distinction Between Counterintelligence and Investigation

It is possible that some actions did not receive headquarters scrutiny simply because the field offices were never told precisely what "counterintelligence" was. Although Bureau procedures strictly required COINTELPRO proposals to be approved at headquarters and a control file to be maintained both in the field and at headquarters, the field offices had no way to determine with any certainty just what was counterintelligence and what was investigation. Many of the techniques overlap: contacts with employers,

contacts with family members, contacts with local law enforcement, even straight interviewing, are all investigative techniques which were used in COINTELPRO actions.

The Bureau witnesses agree that COINTELPRO has no fixed definition, and that there is a large grey area between what is counterintelligence and what is aggressive investigation. As the Black Nationalist supervisor put it, "Basically actions taken to neutralize an individual or disrupt an organization would be COINTELPRO; actions which were primarily investigative would have been handled by the investigative desks," even though the investigative action had disruptive effects. Aggressive investigation continues, and in many cases may be as disruptive as COINTELPRO.

5. Inspection

The Inspection Division attempted to ensure that standard procedures were being followed. The Inspectors focused on two things: field office participation, and the mechanics of headquarters approval. However, the Inspection Division did not exercise oversight, in the sense of looking for wrongdoing. Rather, it was an active participant in COINTELPRO by attempting to make sure that it was being efficiently and enthusiastically conducted.

As the Assistant Director then in charge of the Inspection Division testified, the "propriety" of COINTELPRO was not investigated. He agreed that his job was to "determine whether the program was being pursued effectively as opposed to whether it was proper," and added, "There was no instruction to me, nor do I believe there is any instruction in the Inspector's manual that the Inspector should be on the alert to see that constitutional values are being protected."

THE USE OF INFORMANTS IN FBI DOMESTIC
INTELLIGENCE INVESTIGATIONS

This Appendix, pursuant to the Committee's mandate under Senate Resolution 21, focuses on the use of informants in FBI intelligence investigations who are recruited, paid and directed by Bureau Special Agents. The Committee did not examine the use of informants in FBI criminal investigations nor did the Committee examine instances of the "walk-in" who volunteers information to the FBI on a one-time basis. As discussed in more detail below, paid and directed intelligence informants are extensively used in FBI domestic intelligence investigations of groups and individuals. These intelligence informants are the subject of this Appendix.

Generally, there are two types of intelligence informants: those the FBI first recruits and then inserts into investigated group under investigation, and those who are already members of such a group and are "turned" or recruited as FBI informants.

In addition to paid and directed informants, the FBI uses "confidential sources," defined in the FBI Manual of Instructions as persons who furnish the FBI information available to them through their position, such as "bankers, telephone company employees, and landlords."

D. Justice Department Criteria for Warrantless Wiretaps: 1968-1975

1. 1968-1972

In fields other than national security, the Justice Department was obligated to conform with the warrant procedures of the 1968 statute. But in national security cases, Justice Department policy permitted—and the Act did not forbid—warrantless wiretapping if the proposed surveillance satisfied one or more of the following

criteria (which paralleled the standards enunciated in Section 2511(3)):

(1) That it is necessary to protect the nation against actual or potential attack or any other hostile action of a foreign power;

(2) That it is necessary to obtain foreign intelligence information deemed essential to the security of the United States;

(3) That it is necessary to protect national security information against foreign intelligence activities;

(4) That it is necessary to protect the United States against the overthrow of the Government by force or other unlawful means; or

(5) That it is necessary to protect the United States against a clear or present danger to the structure or the existence of its Government.

Existing procedures for warrantless wiretaps requiring the prior written authorization of the Attorney General and subsequent reauthorization after 90 days remained in effect after the passage of the 1968 Act.

2. Implementation of Wiretaps and Bugs

If the Director receives the written approval of the Attorney General for a particular surveillance, the field office is instructed to implement it. In the case of wiretapping, an agent from the field office generally contacts a representative of the local telephone company who acts as Government liaison. One such telephone company representative in Washington, D.C., testified that he was simply orally advised by an agent of the FBI's Washington Field Office that authority had been granted to tap a particular telephone number.

According to the Washington Field Office supervisor in charge of the employees who implemented and monitored "national security" wiretaps, the telephone company representative would then assign "pair numbers" in the cable connecting the FBI's Washington, D.C. Field Office with the company's central office in the city, and the recording and monitoring devices would be attached to the assigned

cable pair at the field office, where the Bureau monitoring agents were located. After the supervisor verified the wiretap by determining that the intercepted line was the correct one, he would give the tap a symbol number to be used in lieu of the words "telephone surveillance" in any later communication.

Generally, two agents would conduct the monitoring operation in eight-hour shifts. These monitors typically tape-recorded all calls on the line and added supplementary notes concerning such items as the identity of the caller and the subject of the conversation if unclear from the tape. Each day, they typed up log summaries, which included anything they believed was consequential. Because the monitors were not told specifically what to look for, however, the summaries tended to be over-inclusive rather than under-inclusive.

The Bureau has . . . maintained a central index at Headquarters, referred to as the ELSUR Index, which contains the names of all individuals overheard, even incidentally, on both court-ordered and warrantless electronic surveillances. Additional information such as the initial date of the monitoring and the identity of the target of the surveillance is also included in the index.

One Special Agent's description of the preparation of ELSUR Index cards by FBI monitors suggests that the Index may be incomplete even for the post-1966 period. According to this agent, the FBI monitors are under instructions to prepare ELSUR Index cards for each identifiable person who speaks over the intercepted line. Since the cards must contain the proper names of these individuals rather than phonetic spellings, and since this information is often difficult to obtain from an overheard alone, the monitors maintain a separate index of phonetic spellings prior to their determination of the proper spelling and its entry into the ELSUR Index. The

monitors then attempt to confirm the identity of the persons overheard from various research aids kept at their disposal, such as telephone books and Congressional and federal agency directories, and from discussions with the Bureau agents assigned to the substantive cases. In most cases, it is possible to make an accurate identification, but when this proves to be impossible, the names of unidentified individuals never get entered into the ELSUR Index. Sometimes no entry has been made in the ELSUR Index even though positive identification was subsequently obtained. Thus, a person could be overheard and this fact would not be revealed by a check of the ELSUR Index. In at least two cases, certain very sensitive surveillances were consciously excluded from the ELSUR Index system. See p. 343. While such exclusion has been rare, the fact that it occurred twice shows that it is possible to circumvent the entire ELSUR Index system.

THE DEVELOPMENT OF FBI DOMESTIC INTELLIGENCE INVESTIGATIONS

Until this Committee's investigation, there has never been a substantial inquiry by the Congress into the policies and practices of the FBI and the executive for the conduct of domestic intelligence investigations. The purpose of this report is to set forth chronologically the development of these policies and practices, as shown by the materials obtained by the Committee from the FBI and the Justice Department.

Like all investigations, intelligence collection involves extensive interviews with the subjects of investigation, their friends, employers, neighbors, school officials, sources of credit, and anyone else who may know something about their background and activities. The interview is not a neutral event. The way a person is looked upon by those around him can be significantly affected when they know he is someone "of interest" to the government.

94TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 94-755 }

SUPPLEMENTARY DETAILED STAFF REPORTS
ON INTELLIGENCE ACTIVITIES AND THE
RIGHTS OF AMERICANS

BOOK III

FINAL REPORT
OF THE
SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO
INTELLIGENCE ACTIVITIES
UNITED STATES SENATE



APRIL 23 (under authority of the order of APRIL 14), 1976

U.S. GOVERNMENT PRINTING OFFICE

69-984 O

WASHINGTON : 1976

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$7.65

1759



	Page
friends, and	49
.....	50
.....	56
.....	57
.....	57
.....	58
.....	59
.....	60
.....	60
.....	62
.....	62
.....	62
.....	62
intelligence and	63
.....	63
.....	64
.....	65
.....	69
.....	70
.....	73
.....	76

COINTELPRO: THE FBI'S COVERT ACTION PROGRAMS AGAINST AMERICAN CITIZENS

I. INTRODUCTION AND SUMMARY

COINTELPRO is the FBI acronym for a series of covert action programs directed against domestic groups. In these programs, the Bureau went beyond the collection of intelligence to secret action designed to "disrupt" and "neutralize" target groups and individuals. The techniques were adopted wholesale from wartime counterintelligence, and ranged from the trivial (mailing reprints of *Reader's Digest* articles to college administrators) to the degrading (sending anonymous poison-pen letters intended to break up marriages) and the dangerous (encouraging gang warfare and falsely labeling members of a violent group as police informers).

This report is based on a staff study of more than 20,000 pages of Bureau documents, depositions of many of the Bureau agents involved in the programs, and interviews of several COINTELPRO targets. The examples selected for discussion necessarily represent a small percentage of the more than 2,000 approved COINTELPRO actions. Nevertheless, the cases demonstrate the consequences of a Government agency's decision to take the law into its own hands for the "greater good" of the country.

COINTELPRO began in 1956, in part because of frustration with Supreme Court rulings limiting the Government's power to proceed overtly against dissident groups; it ended in 1971 with the threat of public exposure.¹ In the intervening 15 years, the Bureau conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence.²

Many of the techniques used would be intolerable in a democratic society even if all of the targets had been involved in violent activity, but COINTELPRO went far beyond that. The unexpressed major premise of the programs was that a law enforcement agency has the duty to do whatever is necessary to combat perceived threats to the existing social and political order.

¹ On March 8, 1971, the FBI resident agency in Media, Pennsylvania, was broken into. Documents stolen in the break-in were widely circulated and published by the press. Since some documents carried a "COINTELPRO" caption—a word unknown outside the Bureau—Carl Stern, a reporter for NBC, commenced a Freedom of Information Act lawsuit to compel the Bureau to produce other documents relating to the programs. The Bureau decided because of "security reasons" to terminate them on April 27, 1971. (Memorandum from C. D. Brennan to W. C. Sullivan, 4/27/71; Letter from FBI headquarters to all SAC's, 4/28/71.)

² The Bureau's direct attacks on speaking, teaching, writing, and meeting are discussed at pp. 28-33, attempts to prevent the growth of groups are set forth at pp. 34-40.

A. "Counterintelligence Program": A Misnomer for Domestic Covert Action

COINTELPRO is an acronym for "counterintelligence program." Counterintelligence is defined as those actions by an intelligence agency intended to protect its own security and to undermine hostile intelligence operations. Under COINTELPRO certain techniques the Bureau had used against hostile foreign agents were adopted for use against perceived domestic threats to the established political and social order. The formal programs which incorporated these techniques were, therefore, also called "counterintelligence."²²

✓ "Covert action" is, however, a more accurate term for the Bureau's programs directed against American citizens. "Covert action" is the label applied to clandestine activities intended to influence political choices and social values.²³

B. Who Were the Targets?

1. The Five Targeted Groups

The Bureau's covert action programs were aimed at five perceived threats to domestic tranquility: the "Communist Party, USA" program (1956-71); the "Socialist Workers Party" program (1961-69); the "White Hate Group" program (1964-71); the "Black Nationalist-Hate Group" program (1967-71); and the "New Left" program (1968-71).

2. Labels Without Meaning

The Bureau's titles for its programs should not be accepted uncritically. They imply a precision of definition and of targeting which did not exist.

Even the names of the later programs had no clear definition. The ✓ Black Nationalist program, according to its supervisor, included "a great number of organizations that you might not today characterize as black nationalist but which were in fact primarily black."²⁴ Indeed, the nonviolent Southern Christian Leadership Conference was labeled as a Black Nationalist "Hate Group."²⁵ Nor could anyone at the Bureau even define ✓ New Left, except as "more or less an attitude."²⁶

Furthermore, the actual targets were chosen from a far broader group than the names of the programs would imply. The ✓ CPUSA program targeted not only Party members but also sponsors of the

²² For a discussion of U.S. intelligence activities against hostile foreign intelligence operations, see Report on Counterintelligence.

²³ See Senate Select Committee Report, "Alleged Assassination Plots Involving Foreign Leaders" and Staff Report: "Covert Action in Chile."

²⁴ Black Nationalist Supervisor deposition, 10/17/75, p. 12.

²⁵ Memorandum from FBI Headquarters to all SAC's, 8/25/67, p. 2.

²⁶ New Left Supervisor's deposition, 10/28/75, p. 8. The closest any Bureau document comes to a definition is found in an investigative directive: "The term 'New Left' does not refer to a definite organization, but to a movement which is providing ideologies or platforms alternate to those of existing communist and other basic revolutionary organizations, the so-called 'Old Left.' The New Left movement is a loosely-bound, free-wheeling, college-oriented movement spearheaded by the Students for a Democratic Society and includes the more extreme and militant anti-Vietnam war and anti-draft protest organizations." (Memorandum from FBI Headquarters to all SAC's, 10/28/68; Hearings, Vol. 6, Exhibit 61, p. 669.) Although this characterization is longer than that of the New Left Supervisor, it does not appear to be substantively different.

National Committee
Committee (and city
fluence or simply a
Party program incl
tions which were cos
fiance, its youth gr
range of organizati
Southern Christian L
student groups." Ne
teruniversity Commi
Antioch College ("v
Free University" a
ground newspapers"
a student publicatio
them."

C. What Were the Targets?

The breadth of the descriptive titles of the COINTELPRO activities, including violence, and maintenance, "disrupting" and "threats."

1. Protecting

The first COINTELPRO counter what the Bureau. As the chief of the C

We were trying to
what they were
To stop the spread
of the Communist
propaganda and

Had the Bureau's
intelligence" would have

²⁷ Memorandum from
²⁸ One civil rights lead
intelligence actions under the
"direct evidence" that he
evidence that he is ant
gained from a wiretap; f
formation. (Memorandum
from New York Field O
FBI Headquarters to Ne
to New York Field Offi
FBI Headquarters to Bal
Memorandum from
FBI Headquarters me
Memorandum from

1-2.
"Memorandum from F
"Memorandum from
"Memorandum from
"Memorandum from
"Memorandum from
"Memorandum from
"Memorandum from
"COINTELPRO Unit

Missioner for Domestic Covert

"counterintelligence program." Those actions by an intelligence community and to undermine hostile COINTELPRO certain techniques the agents were adopted for use to the established political and which incorporated these techniques.

An accurate term for the Bureau's citizens. "Covert action" is the intended to influence political

aims were aimed at five perceived "Communist Party, USA" probers Party" program (1961-69); 1964-71); the "Black Nationalist"; and the "New Left" program

aims should not be accepted un- definition and of targeting which

grams had no clear definition. The thing to its supervisor, included "a you might not today characterize in fact primarily black." In- Christian Leadership Conference "Hate Group." Nor could anyone "ft." except as "more or less an at-

were chosen from a far broader grams would imply. The CPUSA members but also sponsors of the

activities against hostile foreign in- intelligence.

"Alleged Assassination Plots Involving Action in Chile."

ion, 10/17/75, p. 12.

to all SAC's, 8/25/67, p. 2.

28-75, p. 8. The closest any Bureau docu- an investigative directive: "The term organization, but to a movement which terminate to those of existing communist tions, the so-called 'Old Left.' The New new-heeling, college-oriented movement merative Society and includes the more and anti-draft protest organizations." to all SAC's, 10/28/68; Hearings, Vol. 6, authorization is longer than that of the to be substantively different.

National Committee to Abolish the House Un-American Activities Committee (and civil rights leaders allegedly under Communist influence or simply not "anti-Communist." The Socialist Workers Party program included non-SWP sponsors of antiwar demonstrations which were cosponsored by the SWP or the Young Socialist Alliance, its youth group. The Black Nationalist program targeted a range of organizations from the Panthers to SNCC to the peaceful Southern Christian Leadership Conference and included most black student groups. New Left targets ranged from the SDS to the Interuniversity Committee for Debate on Foreign Policy, from all of Antioch College ("vanguard of the New Left") to the New Mexico Free University and other "alternate" schools, and from underground newspapers to students protesting university censorship of a student publication by carrying signs with four-letter words on them.

C. What Were the Purposes of COINTELPRO?

The breadth of targeting and lack of substantive content in the descriptive titles of the programs reflect the range of motivations for COINTELPRO activity: protecting national security, preventing violence, and maintaining the existing social and political order by "disrupting" and "neutralizing" groups and individuals perceived as threats.

1. Protecting National Security

The first COINTELPRO, against the CPUSA, was instituted to counter what the Bureau believed to be a threat to the national security. As the chief of the COINTELPRO unit explained it:

We were trying first to develop intelligence so we would know what they were doing [and] second, to contain the threat. . . . To stop the spread of communism, to stop the effectiveness of the Communist Party as a vehicle of Soviet intelligence, propaganda and agitation.

Had the Bureau stopped there, perhaps the term "counterintelligence" would have been an accurate label for the program. The ex-

*Memorandum from FBI Headquarters to Cleveland Field Office, 11/6/64.

*One civil rights leader, the subject of at least three separate counterintelligence actions under the CPUSA caption, was targeted because there was no "direct evidence" that he was a communist, "neither is there any substantial evidence that he is anti-communist." One of the actions utilized information gained from a wiretap; the other two involved dissemination of personal life information. (Memorandum from J.A. Sizoo to W.C. Sullivan, 2/4/64; Memorandum from New York Field Office to FBI Headquarters, 2/12/64; Memoranda from FBI Headquarters to New York Field Office, 3/26/64 and 4/10/64; Memorandum to New York Field Office from FBI Headquarters, 4/21/64; Memorandum from FBI Headquarters to Baltimore Field Office, 10/6/65.)

*Memorandum from FBI Headquarters to Cleveland Field Office, 11/29/68.

*FBI Headquarters memorandum, 8/25/67, p. 2.

*Memorandum from FBI Headquarters to Jackson Field Office, 2/8/71, pp.

1-2

*Memorandum from FBI Headquarters to San Antonio Field Office, 10/31/68.

*Memorandum from FBI Headquarters to Detroit Field Office, 10/26/66.

*Memorandum from FBI Headquarters to Cincinnati Field Office, 6/18/68.

*Memorandum from FBI Headquarters to Albuquerque Field Office, 3/14/69.

*Memorandum from FBI Headquarters to San Antonio Field Office, 7/23/69.

*Memorandum from FBI Headquarters to Pittsburgh Field Office, 11/14/69.

*Memorandum from FBI Headquarters to Minneapolis Field Office, 11/4/68.

*COINTELPRO Unit Chief deposition, 10/16/75, p. 14.

pansion of the CPUSA program to non-Communists, however, and the addition of subsequent programs, make it clear that other purposes were also at work.

2. Preventing Violence

One of these purposes was the prevention of violence. Every Bureau witness deposed stated that the purpose of the particular program or programs with which he was associated was to deter violent acts by the target groups, although the witnesses differed in their assessment of how successful the programs were in achieving that goal. The preventive function was not, however, intended to be a product of specific proposals directed at specific criminal acts. Rather, the programs were aimed at groups which the Bureau believed to be violent or to have the potential for violence.

The programs were to prevent violence by deterring membership in the target groups, even if neither the particular member nor the group was violent at the time. As the supervisor of the Black Nationalist COINTELPRO put it, "Obviously you are going to prevent violence or a greater amount of violence if you have smaller groups." (Black Nationalist supervisor deposition, 10/17/75, p. 24.) The COINTELPRO unit chief agreed: "We also made an effort to deter or counteract the propaganda . . . and to deter recruitment where we could. This was done with the view that if we could curb the organization, we could curb the action or the violence within the organization."^{17b} In short, the programs were to prevent violence indirectly, rather than directly, by preventing possibly violent citizens from joining or continuing to associate with possibly violent groups.¹⁸

The prevention of violence is clearly not, in itself, an improper purpose; preventing violence is the ultimate goal of most law enforcement. Prosecution and sentencing are intended to deter future criminal behavior, not only of the subject but also of others who might break the law. In that sense, law enforcement legitimately attempts the indirect prevention of possible violence and, if the methods used are proper, raises no constitutional issues. When the government goes beyond traditional law enforcement methods, however, and attacks group membership and advocacy, it treads on ground forbidden to it by the Constitution. In *Brandenburg v. Ohio*, 395 U.S. 444 (1969), the Supreme Court held that the government is not permitted to "forbid or proscribe advocacy of the use of force or law violation except where such advocacy is directed toward inciting or producing imminent lawless action and is likely to incite or produce such action." In the absence of such clear and present danger, the government cannot act against speech nor, presumably, against association.

3. Maintaining the Existing Social and Political Order

Protecting national security and preventing violence are the purposes advanced by the Bureau for COINTELPRO. There is another purpose for COINTELPRO which is not explicit but which offers

^{17a} Unit Chief deposition, 10/16/75, p. 54.

^{17b} "Possibly violent" did not necessarily mean likely to be violent. Concededly non-violent groups were targeted because they might someday change. Martin Luther King, Jr. was targeted because (among other things) he might "abandon his supposed 'obedience' to 'white, liberal doctrines' (non-violence) and embrace black nationalism." (Memorandum from FBI Headquarters to all SAC's, 3/4/68, p. 3.)

the only ex-
tional relat-
The unexpro
the Bureau
that its chief
that order."

The "New
ple of this a
term "New"
"subversive"

ticipants in
defended th
were made

"does not a
obvious dis
case report"

Withdrawa
Day Com
eign policy

"liberal pr
were "takin

Democratic
law enforce

morality. C
ing those v
apparent c

security an
examined.

cers looked
titude sho

of weapon

D. What T

1.7

Under a
used again

enemies. A
put it,

This i
dange

[these
[them

home
geted.

ness.

Mr. Sub
the course

"This att
investigates

Jr. case, wh

"FBI He

"Memo r

"Memo r

"William

communists, however, and it is clear that other pur-

of violence. Every Bureau particular program or to deter violent acts by offered in their assessment of that goal. The pre- to be a product of specific rather, the programs were to be violent or to have the

by deterring membership particular member nor the sor of the Black National- are going to prevent vio- have smaller groups." (7/75, p. 24.) The COIN- ade an effort to deter or ter recruitment where we e could curb the organiza- ence within the organiza- prevent violence indirectly, bly violent citizens from ossibly violent groups.¹⁶ not, in itself, an improper e goal of most law enforce- nded to deter future crimi- also of others who might ment legitimately attempts e and, if the methods used When the government goes hods, however, and attacks on ground forbidden to it 1955 U.S. 444 (1969), the is not permitted to "forbid r law violation except where r producing imminent law- re such action." In the ab- the government cannot act ssociation.

and Political Order

nting violence are the pur- TELPRO. There is another at explicit but which offers

likely to be violent. Concededly ight someday change, Martin ther things) he might "abandon nes" (non-violence) and embrace adquarters to all SAC's, 3/4/68,

the only explanation for those actions which had no conceivable rational relationship to either national security or violent activity. The unexpressed major premise of much of COINTELPRO is that the Bureau has a role in maintaining the existing social order, and that its efforts should be aimed toward combating those who threaten that order.¹⁷

The "New Left" COINTELPRO presents the most striking example of this attitude. As discussed earlier, the Bureau did not define the term "New Left," and the range of targets went far beyond alleged "subversives" or "extremists." Thus, for example, two student participants in a "free speech" demonstration were targeted because they defended the use of the classic four-letter word. Significantly, they were made COINTELPRO subjects even though the demonstration "does not appear to be inspired by the New Left" because it "shows obvious disregard for decency and established morality."¹⁸ In another case, reprints of a newspaper article entitled "Rabbi in Vietnam Says Withdrawal Not the Answer" were mailed to members of the Vietnam Day Committee "to convince [them] of the correctness of the U.S. foreign policy in Vietnam."¹⁹ Still another document inveighs against the "liberal press and the bleeding hearts and the forces on the left" which were "taking advantage of the situation in Chicago surrounding the Democratic National Convention to attack the police and organized law enforcement agencies."²⁰ Upholding decency and established morality, defending the correctness of U.S. foreign policy, and attacking those who thought the Chicago police used undue force have no apparent connection with the expressed goals of protecting national security and preventing violence. These documents, among others examined, compel the conclusion that Federal law enforcement officers looked upon themselves as guardians of the status quo. The attitude should not be a surprise; the difficulty lies in the choice of weapons.

D. What Techniques Were Used?

1. The Techniques of Wartime

Under the COINTELPRO programs, the arsenal of techniques used against foreign espionage agents was transferred to domestic enemies. As William C. Sullivan, former Assistant to the Director, put it,

This is a rough, tough, dirty business, and dangerous. It was dangerous at times. No holds were barred. . . . We have used [these techniques] against Soviet agents. They have used [them] against us. . . . [The same methods were] brought home against any organization against which we were targeted. We did not differentiate. This is a rough, tough business.²¹

Mr. Sullivan's description—rough, tough, and dirty—is accurate. In the course of COINTELPRO's fifteen-year history, a number of in-

¹⁶ This attitude toward change is apparent in many of those Bureau activities investigated by the Committee. It played a large part in the Martin Luther King, Jr. case, which is the subject of a separate report.

¹⁷ FBI Headquarters memorandum, 11/4/68.

¹⁸ Memorandum from FBI Headquarters to San Francisco Field Office, 11/1/65.

¹⁹ Memorandum from Cartha DeLoach to John Mohr, 8/29/64, pp. 1-8.

²⁰ William C. Sullivan testimony, 11/1/75, pp. 97-98.

agency into a law violation. Actions were not only

a combination of factors: the targets' vulnerability to domestic intelligence; that it could handle current inability of traditional problems presented.

He looked to the Bureau for help. As the COINTEL

a general philosophy this time was you did not want the FBI would

go to a social affair. FBI, the comment was know you are handling threat with what here did not seem to be as strong or better

the Bureau better statutes (to them), but the Supreme Court statutes available. The question of the first formal Court reversal of the

ordered the Smith Act was ineffective to prosecute impossible to prosecute.

produced the subsequent result:

I think that they were doing what we were doing anything the same way: "I thought I had to be apologetic to make

Director Adams' testimony to the constitutionality of [the] laws that proscribes certain operations under the few ways to proceed." (Adams' testimony on the Smith Act decisions were referring to *Communist U.S.* 115 (1956), which required remanding the

The other COINTELPRO programs were opened as the threat arose in areas of extremism and subversion and there were not adequate statutes to proceed against the organization or to prevent their activities.⁴

Every Bureau witness deposed agreed that his particular COINTELPRO was the result of tremendous pressure on the Bureau to do something about a perceived threat, coupled with the inability of law enforcement techniques to cope with the situation, either because there were no pertinent federal statutes,⁴ or because local law enforcement efforts were stymied by indifference or the refusal of those in charge to call the police.

Outside pressure and law enforcement frustration do not, of course, fully explain COINTELPRO. Perhaps, after all, the best explanation was proffered by George C. Moore, the Racial Intelligence Section chief:

The FBI's counterintelligence program came up because there was a point—if you have anything in the FBI, you have an action-oriented group of people who see something happening and want to do something to take its place.⁵

F. Command and Control

1. 1956-71

While that "action-oriented group of people" was proceeding with fifteen years of COINTELPRO activities, where were those responsible for the supervision and control of the Bureau? Part of the answer lies in the definition of "covert action"—clandestine activities. No one outside the Bureau was supposed to know that COINTELPRO existed. Even within the Bureau, the programs were handled on a "need-to-know" basis.

Nevertheless, the Bureau has supplied the Committee with documents which support its contention that various Attorneys General, advisors to Presidents, members of the House Appropriations Subcommittee, and, in 1958, the Cabinet were at least put on notice of the existence of the CPUSA and White Hate COINTELPROs. The Bureau cannot support its claim that anyone outside the FBI was informed of the existence of the Socialist Workers Party, Black Nationalist, or New Left COINTELPROs, and even those letters or

⁴ Unit chief, 10/16/75, p. 15.

⁵ One witness also pointed out that while the federal antiriot and antibombing statutes were not passed until 1968, inadequate statutes were not the only problem. Statutes directed at specific criminal acts would only have served to allow prosecution after the crime; they would not have prevented the act in the first place. He also stated that he did not believe it would be possible to pass a statute which would have given the Bureau the tools necessary to prevent violence by disrupting the growth of violence-prone organizations—because of something called the United States Constitution. When asked whether that answer implied that preventing the growth of an organization is unconstitutional, he answered, "I think so." (Black Nationalist supervisor, 10/1/75, pp. 25-26.) He was the only Bureau witness who had reservations about COINTELPRO's constitutionality. Another witness gave a more typical response. When asked whether anybody at any time during the course of the programs discussed their constitutionality or legal authority, he replied, "No, we never gave it a thought." (Moore, 11/3/75, p. 83.)

⁶ Moore, 11/3/75, p. 79.

COINTELPRO files
to those known to
negative files might be

demonstrate a continued
citizens is permis-
the Petersen Committee
Kelley responded.
circumstances would have
the American people."
counterintelligence pro-
therefore, that they
country."⁶⁰ In his
Kelley continued to
relations:

believe today, is that
what they
Attorney Gen-
United States. . . .
in the Coun-
some substantial
purpose of those

occurred in the past
argument may well
Lieke, in the FBI's
gathering agency.
to meet an immi-

at faced with sufficient
argument of Justice pro-
which would have per-
ventive action" where

the Senate Select Commit-
tized between 1960 and
Roosevelt independence;" (2)
aimed at putting orga-
nized Party USA;" (3) a
group;" (4) two actions
a foreign nationality group
in 1961 and 1965 against
party."

party" indicate that the
abroad.
Constitutional Rights
movement appears to be an
was to influence political

Vol. 6, p. 283, 284.
life or property are, of
statement, juxtaposed
threats COINTELPRO
used were sometimes
of death or destruction.

there is a substantial possibility that violence will occur and "prose-
cution is impracticable." Although those guidelines have now been
dropped, the principle has not been rejected. (AUSTON PLAN)

II. THE FIVE DOMESTIC PROGRAMS

A. Origins

The origins of COINTELPRO are rooted in the Bureau's jurisdic-
tion to investigate hostile foreign intelligence activities on American
soil. Counterintelligence, of course, goes beyond investigation; it is
affirmative action taken to neutralize hostile agents.

The Bureau believed its wartime counterattacks on foreign agents
to be effective—and what works against one enemy will work against
another. In the atmosphere of the Cold War, the American Communist
Party was viewed as a deadly threat to national security.

In 1956, the Bureau decided that a formal counterintelligence pro-
gram, coordinated from headquarters, would be an effective weapon in
the fight against Communism. The first COINTELPRO was there-
fore initiated.⁶¹

The CPUSA COINTELPRO accounted for more than half of all
approved proposals.⁶² The Bureau personnel involved believed that
the success of the program—one action was described as "the most
effective single blow ever dealt the organized communist move-
ment"⁶³—made counterintelligence techniques the weapons of choice
whenever the Bureau assessed a new and, in its view, equally serious
threat to the country.

As noted earlier, law enforcement frustration also played a part
in the origins of each COINTELPRO. In each case, Bureau wit-
nesses testified that the lack of adequate statutes, uncooperative or
ineffective local police, or restrictive court rulings had made it impos-
sible to use traditional law enforcement methods against the tar-
geted groups.

Additionally, a certain amount of empire building may have been
at work. Under William C. Sullivan, the Domestic Intelligence Divi-
sion greatly expanded its jurisdiction. Klan matters were transferred
in 1964 to the Intelligence Division from the General Investigative
Division; black nationalist groups were added in 1967; and, just as
the Old Left appeared to be dying out,⁶⁴ the New Left was gradually
added to the work of the Division's Internal Security Section in the
late 1960s.

Finally, it is significant that the five domestic COINTELPROs
were started against the five groups which were the subject of inten-
sified investigative programs. Of course, the fact that such intensive
investigative programs were started at all reflects the Bureau's pro-
cess of threat assessment: the greater the threat, the more need to

⁶⁰ Memorandum from Alan Belmont to L. V. Boardman, 8/28/56, Hearings,
vol. 6, exhibit 12.

⁶¹ 1388 of a total of 2370.

⁶² Excerpt from materials prepared for the FBI Director's briefing of the House
Appropriations Subcommittee, FY 1966, p. 2.

⁶³ According to Sullivan, membership in the Communist Party declined steadily
through the '60s. When the CPUSA membership dropped below a certain figure,
Director Hoover ordered that the membership figures be classified. Sullivan
believes that this was done to protect the Bureau's appropriations. (Sullivan,
11/1/55, pp. 33-34.)

know about it (intelligence) and the more impetus to counter it (covert action). More important, however, the mere existence of the additional information gained through the investigative programs inevitably demonstrated those particular organizational or personal weaknesses which were vulnerable to disruption. COINTELPRO demonstrates the dangers inherent in the overbroad collection of domestic intelligence; when information is available, it can be—and was—improperly used.

B. The Programs

Before examining each program in detail, some general observations may be useful. Each of the five domestic COINTELPROs had certain traits in common. As noted above, each program used techniques learned from the Bureau's wartime efforts against hostile foreign agents. Each sprang from frustration with the perceived inability of law enforcement to deal with what the Bureau believed to be a serious threat to the country. Each program depended on an intensive intelligence effort to provide the information used to disrupt the target groups.

The programs also differ to some extent. The White Hate program, for example, was very precisely targeted; each of the other programs spread to a number of groups which do not appear to fall within any clear parameters.⁶⁷ In fact, with each subsequent COINTELPRO, the targeting became more diffuse.

The White Hate COINTELPRO also used comparatively few techniques which carried a risk of serious physical, emotional, or economic damage to the targets, while the Black Nationalist COINTELPRO used such techniques extensively. The New Left COINTELPRO, on the other hand, had the highest proportion of proposals aimed at preventing the exercise of free speech. Like the progression in targeting, the use of dangerous, degrading, or blatantly unconstitutional techniques also appears to have become less restrained with each subsequent program.

1. CPUSA.—The first official COINTELPRO program, against the Communist Party, USA, was started in August 1956 with Director Hoover's approval. Although the formal program was instituted in 1956, COINTELPRO-type activities had gone on for years. The memorandum recommending the program refers to prior actions, constituting "harassment," which were generated by the field during the course of the Bureau's investigation of the Communist Party.⁶⁸ These prior actions were instituted on an *ad hoc* basis as the opportunity arose. As Sullivan testified, "[Before 1956] we were engaged in COINTELPRO tactics, divide, confuse, weaken in diverse ways, an organization. . . . [Before 1956] it was more sporadic. It depended on a given office. . . ."⁶⁹

In 1956, a series of field conferences was held to discuss the development of new security informants. The Smith Act trials and related proceedings had exposed over 100 informants, leaving the Bureau's

⁶⁷ For instance, the Southern Christian Leadership Conference was targeted as a "Black Nationalist-Hate Group." (Memorandum from FBI headquarters to all SAC's, 3/4/68, p. 4.)

⁶⁸ Memorandum from Alan Belmont to L. V. Boardman, 8/28/56, Hearings, Vol. 6, exhibit 12.

⁶⁹ Sullivan testimony, 11/1/75, pp. 42-43.

intelligence apparatus a formal counterintelligence cause of the gaps in the

Since the Bureau had been "blatantly" the Soviets were counterintelligence purposes.⁷⁰ The Bureau's switch from initial areas of concern on the conflicts within the Party to its attacks on ground (CP members' names.

As the program developed, but until 1960 the techniques were traditionalism, public ex-

2. The 1960 Exposed field offices received efforts to prevent Communist organizations, ranging from the usual techniques of the alleged Communist Party. The usual technique of the alleged Communist Party was a number of cases, however, were targeted. Communists active in the Party, the express purpose of the Party, and another member to join a United Front, memorandum of CP members to those leaders as Martin Luther King positions supported increased minority. 3. Socialist Workers ("SWP") COINTELPRO by the headquarters Hoover's concurrence

⁷⁰ As noted earlier, but intelligence methods to convictions. As the unit, the Smith Act technically Communist Party members at the time." (U)

⁷¹ Unit chief, 10/10/75.

⁷² Memorandum from

⁷³ Memorandum from

pp. 1-2.

⁷⁴ Memorandum from

⁷⁵ Sullivan, 11/1/75, p.

programs I have ever seen the Bureau handle as far as any group is concerned."

5. Black Nationalist-Hate Groups.⁶⁴—In marked contrast to prior COINTELPROs, which grew out of years of intensive intelligence investigation, the Black Nationalist COINTELPRO and the racial intelligence investigative section were set up at about the same time in 1967.

Prior to that time, the Division's investigation of "Negro matters" was limited to instances of alleged Communist infiltration of civil rights groups and to monitoring civil rights protest activity. However, the long, hot summer of 1967 led to intense pressure on the Bureau to do something to contain the problem, and once again, the Bureau heeded the call.

The originating letter was sent out to twenty-three field offices on August 25, 1967, describing the program's purpose as:

... to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership, and supporters, and to counter their propensity for violence and civil disorder. ... Efforts of the various groups to consolidate their forces or to recruit new or youthful adherents must be frustrated.⁶⁵

Initial group targets for "intensified attention" were the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, Revolutionary Action Movement, Deacons for Defense and Justice, Congress of Racial Equality, and the Nation of Islam. Individuals named targets were Stokely Carmichael, H. "Rap" Brown, Elijah Muhammed, and Maxwell Stanford. The targets were chosen by conferring with Headquarters personnel supervising the racial cases; the list was not intended to exclude other groups known to the field.

According to the Black Nationalist supervisor, individuals and organizations were targeted because of their propensity for violence or their "radical or revolutionary rhetoric [and] actions":

Revolutionary would be [defined as] advocacy of the overthrow of the Government. ... Radical [is] a loose term that might cover, for example, the separatist view of the Nation of Islam, the influence of a group called U.S. Incorporated. ... Generally, they wanted a separate black nation. ... They [the NOI] advocated formation of a separate black nation on the territory of five Southern states.⁶⁶

⁶⁴ Moore, 11/3/75, p. 31.

⁶⁵ Note that this characterization had no substantive meaning within the Bureau. See p. 4.

⁶⁶ Memorandum from FBI Headquarters to all SAC's, 8/25/67.

⁶⁷ Black Nationalist supervisor, 10/17/75, pp. 66-67. The supervisor stated that individual NOI members were involved with sporadic violence against police, but the organization was not itself involved in violence. (Black Nationalist supervisor, 10/17/75, p. 67.) Moore agreed that the NOI was not involved in organizational violence, adding that the Nation of Islam had been unjustly blamed for violence in the ghetto riots of 1967 and 1968: "We had a good informant coverage of the Nation of Islam. ... We were able to take a very positive stand and tell the Department of Justice and tell everybody else who accused the Nation of

The letter went between groups; to credit groups; to leaders of these groups; to gather information; to diverse activity, as

According to G. Conference was in

... at that time communist in violent projects [expanding] that if Martin could cause seriously ... this

On March 4, 1968, to forty-one field offices long-range goals:

- (1) to prevent groups," with "Mau" in Africa
- (2) to prevent and electrify Luther King
- (3) to prevent groups, by preventing the violence"
- (4) to prevent ability" by community, to the community and and to Negro

Islam ... [that] Muhammad kept the all during any of the

When asked why answered: "Because were a paramilitary capability because finger Elijah Muhammed a very definite potential

"The unit chief, codes that the letter targets, not for "activities of violence"

⁶⁸ Moore, 11/3/75, p. 31. Primary targetership Conference, Revolutionary Action Movement, Martin Luther King, dropped for reasons the second letter of the Black Nationalist supervisor

to handle as far as any

marked contrast to prior
of intensive intelligence
INTELPRO and the racial
up at about the same time

igation of "Negro matters"
infiltration of civil
protest activity. However,
pressure on the Bureau
and once again, the Bureau

twenty-three field offices on
impose as

credit, or otherwise
nationalist, hate-type
leadership, spokesmen,
counter their pro-
... Efforts of the
or to recruit new or

tion" were the Southern
but Nonviolent Coordinat-
ment, Deacons for Defense
and the Nation of Islam.
Michael H. "Rap" Brown.
The targets were chosen
supervising the racial
other groups known to the

prison, individuals and or-
responsibility for violence or
actions?

any of the over-
a loose term that
law of the Nation of
S. Incorporated. ...
ation. ... They [the
black nation on the

ative meaning within the

25/67.

The supervisor stated that
violence against police, but
Black National super-
not involved in organi-
been unjustly blamed for
good informant coverage
positive stand and tell
accused the Nation of

The letter went on to direct field offices to exploit conflicts within and between groups; to use news media contacts to disrupt, ridicule, or discredit groups; to preclude "violence-prone" or "rabble rouser" leaders of these groups from spreading their philosophy publicly; and to gather information on the "unsavory backgrounds"—immorality, subversive activity, and criminal activity—of group members.²¹

According to George C. Moore, the Southern Christian Leadership Conference was included because

... at that time it was still under investigation because of the communist infiltration. As far as I know, there were not any violent propensities, except that I note ... in the cover memo [expanding the program] or somewhere, that they mentioned that if Martin Luther King decided to go a certain way, he could cause some trouble. ... I cannot explain it satisfactorily ... this is something the section inherited.²²

On March 4, 1968, the program was expanded from twenty-three to forty-one field offices.²³ The letter expanding the program lists five long-range goals for the program:

- (1) to prevent the "coalition of militant black nationalist groups," which might be the first step toward a real "Mau Mau" in America;
- (2) to prevent the rise of a "messiah" who could "unify, and electrify," the movement, naming specifically Martin Luther King, Stokely Carmichael, and Elijah Muhammed;
- (3) to prevent violence on the part of black nationalist groups, by pinpointing "potential troublemakers" and neutralizing them "before they exercise their potential for violence;"
- (4) to prevent groups and leaders from gaining "respectability" by discrediting them to the "responsible" Negro community, to the white community (both the responsible community and the "liberals"—the distinction is the Bureau's), and to Negro radicals; and

Islam ... [that they] were not involved in any of the riots or disturbances. Elijah Muhammed kept them under control, and he did not have them on the streets at all during any of the riots." (Moore, 11/3/75, p. 36.)

When asked why, therefore, the NOI was included as a target, Mr. Moore answered: "Because of the potential, they did represent a potential ... they were a paramilitary type. They had drills, the Fruit of Islam, they had the capability because they were a force to be reckoned with, with the snap of his finger Elijah Muhammed could bring them into any situation. So that there was a very definite potential, very definite potential." (Moore, 11/3/75, p. 37.)

"The unit chief, who wrote the letter on instructions from his superiors, concedes that the letter directed field offices to gather personal life information on targets, not for "scandalous reasons," but "to deter violence or neutralize the activities of violence-prone groups." (Unit chief, 10/10/75, p. 66.)

Moore, 11/3/75, pp. 37, 39, 40.

Primary targets listed in this second letter are the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, Revolutionary Action Movement, Nation of Islam, Stokely Carmichael, H. "Rap" Brown, Martin Luther King, Maxwell Stanford, and Elijah Muhammed. CORE was dropped for reasons no witness was able to reconstruct. The agent who prepared the second letter disagreed with the inclusion of the SCLC, but lost. (Black Nationalist supervisor, 10/17/75, p. 14.)

I know that the . . . overall results of the Klan [COINTEL PRO] was much more effective from what I have been told than the Black Extremism [COINTELPRO] because of the number of informants in the Klan who could take action which would be more effective. In the Black Extremism Group . . . we got a late start because we did not have extremist activity [until] '67 and '68. Then we had to play catch-up. . . . It is not easy to measure effectiveness. . . . There were policemen killed in those days. There were bombs thrown. There were establishments burned with molotov cocktails. . . . We can measure that damage. You cannot measure over on the other side, what lives were saved because somebody did not leave the organization or suspicion was sown on his leadership and this organization gradually declined and [there was] suspicion within it, or this organization did not join with [that] organization as a result of a black power conference which was aimed towards consolidation efforts. All we know, either through their own ineptitude, maybe it emerged through counterintelligence, maybe, I think we like to think that that helped to do it, that there was not this development. . . . What part did counterintelligence [play?] We hope that it did play a part. Maybe we just gave it a nudge." 77 08

² Memorandum from FBI headquarters to all SAC's, 3/4/68, pp. 3-4.

* Memorandum from FBI Headquarters to Baltimore Field Office, 11/25/68.

* Memorandum from FBI Headquarters to all SAC's, 1/30/69.

"This technique, the "switch jacket," was used in all COINTELPRO programs.

⁶¹ Moore, 11/3/75, pp. 34, 50–52.

Our Nation is und
caused to a large ex
nected with the Na
tion in America a
in Vietnam. They

✓ 100 As the New Left supervisor written defining New Left
tion of New Left groups r
ment, it more or less grew.
"It has never been strictly
attitude, I would think."
✓ 100 New Left supervisor.]

the unlawful acts to further

actions viciously and scurrilous
the Bureau in an attempt
it and to drive us off the

an decided to institute a new
team's concern with "tying the
with the perceived weakness
to call police onto the campus,
all participating field offices to
of New Left activities:

brutality, to "counter the
that invariably arise
scurrilous and depraved
activities, habits, and living
Left adherents"; and
trators, "to show the value of
officials taking a firm stand,"
to what extent faculty mem-
ment."

if possible embarrassment must
expended. It cannot be expected
easily obtained, and an imagina-
perative to its success."¹⁰³
on "immorality" was not carried
October 9, 1968, headquarters sent
them to task for their failure to
the data depicting the depraved
Left" and to "use this material
to neutralizing them."¹⁰⁴
be "particularly alert for this

to William C. Sullivan, 5/9/65.

SAC's, 5/23/68.

SAC's, 10/9/68.

message. One example of information
comes from the Boston field office:
information in the past concerning
Boston area, has advised that
and or draft activity are conducted
room completely in the nude,
have and sleep together regularly
up residence with a different

conditions and habits of some of the
certain individuals have been known
period of weeks and in some instances

As the current school year commences, it can be expected that
the New Left with its anti-war and anti-draft entourage will
make every effort to confront college authorities, stifle mili-
tary recruiting, and frustrate the Selective Service System.
Each office will be expected, therefore, to afford this program
continuous effective attention in order that no opportunity
will be missed to destroy this insidious movement.¹⁰⁵

As to the police brutality and "college administrator" categories,
the Bureau's belief that getting tough with students and demonstrators
would solve the problem, and that any injuries which resulted were
deserved, is reflected in the Bureau's reaction to allegations of police
brutality following the Chicago Democratic Convention.

On August 28, 1968, a letter was sent to the Chicago field office
instructing it to "obtain all possible evidence that would disprove
these charges" [that the Chicago police used undue force] and to "con-
sider measures by which cooperative news media may be used to coun-
teract these allegations." The administrative "note" (for the file)
states:

Once again, the liberal press and the bleeding hearts and the
forces on the left are taking advantage of the situation in
Chicago surrounding the Democratic National Convention to
attack the police and organized law enforcement agencies. . . .
We should be mindful of this situation and develop all pos-
sible evidence to expose this activity and to refute these false
allegations.¹⁰⁷

In the same vein, on September 9, 1968, an instruction was sent to
all offices which had sent informants to the Chicago convention dem-
onstrations, ordering them to debrief the informants for information
"indicating incidents were staged to show police reacted with undue
force and any information that authorities were baited by militants
into using force."¹⁰⁸ The offices were also to obtain evidence of possible
violations of anti-riot laws.¹⁰⁹

The originating New Left letter had asked all recipient offices to
respond with suggestions for counterintelligence action. Those re-
12

for months. Personal hygiene and eating habits are equally neglected by these
people, the informant said.

"The informant has noted that those individuals who most recently joined
the movement are in most instances the worst offenders as far as moral and
personal habits are concerned. However, if these individuals remain in the
movement for any length of time, their appearance and personal habits appear
to improve somewhat." (Memorandum from Boston Field Office to FBI Head-
quarters, 6/13/68.)

¹⁰³ Memorandum from FBI Headquarters to all SACs, 10/9/68.

¹⁰⁴ Memorandum from FBI Headquarters to Chicago Field Office, 5/28/68.

¹⁰⁵ Memorandum from FBI Headquarters to all SACs, 9/9/68.

¹⁰⁶ Note that there was no attempt to determine whether the allegations were
true. Ramsey Clark, Attorney General at the time, testified that he did not know
that either directive had been issued and that "they are highly improper." He
also noted that the Bureau's close working relationship with state and local police
forces had made it necessary to "preempt the FBI" in cases involving the investi-
gation of police misconduct: "we found it necessary to use the Civil Rights Divi-
sion, and that is basically what we did." (Clark, 12/3/75, Hearings Vol. 6, pp.
254-255.)

12 responses were analyzed and a letter sent to all offices on July 6, 1968, setting forth the suggestions for counterintelligence action which could be utilized by all offices. Briefly the techniques are:

(1) preparing leaflets designed to discredit student demonstrators, using photographs of New Left leadership at the respective universities. "Naturally, the most obnoxious pictures should be used";

13 (2) instigating "personal conflicts or animosities" between New Left leaders;

(3) creating the impression that leaders are "informants for the Bureau or other law enforcement agencies";

(4) sending articles from student newspapers or the "underground press" which show the depravity of the New Left to university officials, donors, legislators, and parents. "Articles showing advocacy of the use of narcotics and free sex are ideal";

(5) having members arrested on marijuana charges;

(6) sending anonymous letters about a student's activities to parents, neighbors, and the parents' employers. "This could have the effect of forcing the parents to take action";

(7) sending anonymous letters or leaflets describing the "activities and associations" of New Left faculty members and graduate assistants to university officials, legislators, Boards of Regents, and the press. "These letters should be signed 'A Concerned Alumni' or 'A Concerned Taxpayer'";

(8) using "cooperative press contacts" to emphasize that the "disruptive elements" constitute a "minority" of the students. "The press should demand an immediate referendum on the issue in question";

14 (9) exploiting the "hostility" among the SDS and other New Left groups toward the SWP, YSA, and Progressive Labor Party;

(10) using "friendly news media" and law enforcement officials to disrupt New Left coffeehouses near military bases which are attempting to "influence members of the Armed Forces";

(11) using cartoons, photographs, and anonymous letters to "ridicule" the New Left; and

15 (12) using "misinformation" to "confuse and disrupt" New Left activities, such as by notifying members that events have been cancelled.¹⁰⁶

As noted earlier, the lack of any Bureau definition of "New Left" resulted in targeting almost every anti-war group,¹⁰⁷ and spread to students demonstrating against anything. One notable example is a proposal targeting a student who carried an "obscene" sign in a demonstration protesting administration censorship of the school newspaper,

¹⁰⁶ Memorandum from FBI Headquarters to all SAC's, 7/6/68.

¹⁰⁷ The New Left supervisor confirmed what the documents reveal: "legitimate" (nonviolent) antiwar groups were targeted because they were "lending aid and comfort" to more disruptive groups. According to the New Left supervisor:

"This [nonviolent groups protesting against the war] was the type of thing that the New Left, the violent portion, would seize upon. They could use the legitimacy of an accepted college group or outside group to further their interests." (New Left supervisor, 10/28/75, p. 39)

Nonviolent groups were thus disrupted so there would be less opportunity for a violent group to make use of them and their respectability. Professors active in "New Left matters," whether involved in violence or just in general protest, were targeted for "using [their] good offices to lend aid and comfort to the entire protest movement or to help disrupt the school through [their] programs." (New Left supervisor, 10/28/75, p. 69.)

and another student demonstration.¹⁰⁸ In one university campus was among state officials since the campus that will be a

None of the Bureau's TELPRO was generally targeting.

III. THE GOALS OF COUNTER

The origins of COINTEL ed extralegal methods to and public order because be insufficient to do the its own hands, conducting domestic enemies.

The risks inherent in s pose seems compelling at Huston in his testimony

The risk was that p ceptible to political, security considerations to be ne from the kid with a from the kid with the sticker of the opp down the line.¹⁰⁹

The description is apt. (ger range of targets and organizations to be violent elements of the B Jr., who the Bureau con the Communist Party to of violent revolution and peaceful social change, in Conference and the Intern Policy.

The breadth of target for the categories involve dissident speech and asso incipient steps toward i which might be criminal, tector of the existing po

¹⁰⁸ Memorandum from FBI

¹⁰⁹ Memorandum from FBI

¹¹⁰ Huston was the Preside mendations by an interagency including concededly illegal a feet of a separate report.

¹¹¹ Tom Charles Huston testi

to all offices on July 6, 1968.
The intelligence action which
techniques are:

1. Recruit student demonstrators.
2. Identify the respective universi-
3. ties should be used.
4. Establish "brushes" between New Left

5. Identify "informants" for the

6. Newspapers or the "underground
7. the New Left to university offi-
8. Articles showing advocacy

9. charges:
10. a student's activities to par-
11. ners. "This could have the effect

12. describing the "activities
13. of professors and graduate assist-
14. ants of Regents, and the press.
15. Concerned Alumni," or "A Con-

16. to emphasize that the "dis-
17. ruption" of the students. "The press
18. on the issue in question."

19. the SDS and other New Left
20. Progressive Labor Party;

21. law enforcement officials to
22. primary bases which are attempt-
23. Forces";

24. anonymous letters to "ridi-

25. pose and disrupt" New Left
26. that events have been can-

27. a definition of "New Left"
28. group." and spread to
29. g. One notable example is a

30. an "obscene" sign in a demon-
31. stration of the school newspaper,

32. FBI SAC's 7/6/68.

33. documents reveal: "legitimate"
34. use they were "lending aid and
35. the New Left supervisor:

36. the war] was the type of thing
37. upon. They could use the
38. the group to further their inter-

39. there would be less opportunity for
40. spectability. Professors active in
41. not just in general protest, were
42. and and comfort to the entire
43. though [their] programs." (New

and another student who sent a letter to that paper defending the demonstration.¹¹² In another article regarding "free love" on a university campus was anonymously mailed to college administrators and state officials since free love allows "an atmosphere to build up on campus that will be a fertile field for the New Left."¹¹³

None of the Bureau witnesses deposed believes the New Left COINTELPRO was generally effective, in part because of the imprecise targeting. 16

III. THE GOALS OF COINTELPRO: PREVENTING OR DISRUPTING THE EXERCISE OF FIRST AMENDMENT RIGHTS

The origins of COINTELPRO demonstrate that the Bureau adopted extralegal methods to counter perceived threats to national security and public order because the ordinary legal processes were believed to be insufficient to do the job. In essence, the Bureau took the law into its own hands, conducting a sophisticated vigilante operation against domestic enemies.

The risks inherent in setting aside the laws, even though the purpose seems compelling at the time, were described by Tom Charles Huston in his testimony before the Committee:¹¹⁴

The risk was that you would get people who would be susceptible to political considerations as opposed to national security considerations, or would construe political considerations to be national security considerations, to move from the kid with a bomb to the kid with a picket sign, and from the kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line.¹¹⁵

The description is apt. Certainly, COINTELPRO took in a staggering range of targets. As noted earlier, the choice of individuals and organizations to be neutralized and disrupted ranged from the violent elements of the Black Panther Party to Martin Luther King, Jr., who the Bureau concedes was an advocate of nonviolence; from the Communist Party to the Ku Klux Klan; and from the advocates of violent revolution such as the Weathermen, to the supporters of peaceful social change, including the Southern Christian Leadership Conference and the Inter-University Committee for Debate on Foreign Policy.

The breadth of targeting springs partly from a lack of definition for the categories involved, and partly from the Bureau's belief that dissident speech and association should be prevented because they were incipient steps toward the possible ultimate commission of an act which might be criminal. Thus, the Bureau's self-imposed role as protector of the existing political and social order blurred the line be-

¹¹² Memorandum from FBI Headquarters, Minneapolis Field Office, 11/4/68.

¹¹³ Memorandum from FBI Headquarters to San Antonio Field Office, 8/27/68.

¹¹⁴ Huston was the Presidential assistant who coordinated the 1970 recommendations by an interagency committee for expanded domestic intelligence, including concededly illegal activity. The so-called "Huston Plan" is the subject of a separate report.

¹¹⁵ Tom Charles Huston testimony, 9/23/75. Hearings, Vol. 2, p. 43.

authorized to furnish
on the professor's
in another demon-

discredit and neutral-
University Committee for
The field office was
essential state political
rs. and the Board of
of cohorts" of "giving
if the strategy is to
war in Vietnam and
its were reported.¹²⁴

to speak was explicitly
to reply and to deter "re-
others appear to have
ple,¹²⁵ two university
were influential in the
to a student "under-
described as "left-of-
University adminis-
trators were forced
to "fold and cease"
the New Left has in-
authorized to send an
ing information con-
newspaper, with a warn-
trators to cease their
expose their activities
result of this technique,
university president,

the Panther Party paper
use of its contents and
Other examples in-
by two "New Left"
an anonymous letter
campus of an under-
mentality that is fol-

Headquarters, 10/11/66;
Dec. 10/26/66.
Headquarters, 12/9/70; memo-
12/31/70; memorandum

was sent to the mayor, the
American Legion, and two
school's subscription to the
attention on the teacher
in implementing black ex-
curriculum" of the school
Headquarters, 2/5/70.)
Headquarters, 9/9/68;
Field Office, 9/23/68.

lowing the New Left theory of immorality on certain college cam-
puses";¹²⁶ a letter signed "Disgusted Taxpayer and Patron" to ad-
vertisers in a student newspaper intended to "increase pressure on the
student newspaper to discontinue the type of journalism that had been
employed" (an article had quoted a demonstrator's "vulgar lan-
guage");¹²⁷ and proposals (which, according to the Bureau's re-
sponse to a staff inquiry, were never carried out) to physically disrupt
printing plants.¹²⁸

D. Efforts to Prevent Meeting

The Bureau also attempted to prevent target groups from meeting.
Frequently used techniques include contacting the owner of meeting
facilities in order to have him refuse to rent to the group;¹²⁹ trying to
have a group's charter revoked;¹³⁰ using the press to disrupt a "closed"
meeting by arriving unannounced;¹³¹ and attempting to persuade
sponsors to withdraw funds.¹³² The most striking examples of attacks
on meeting, however, involve the use of "disinformation."¹³³

In one "disinformation" case, the Chicago Field Office duplicated
blank forms prepared by the National Mobilization Committee to End
the War in Vietnam ("NMC") soliciting housing for demonstrators
coming to Chicago for the Democratic National Convention. Chicago
filled out 217 of these forms with fictitious names and addresses and
sent them to the NMC, which provided them to demonstrators who
made "long and useless journeys to locate these addresses." The NMC
then decided to discard all replies received on the housing forms rather
than have out-of-town demonstrators try to locate nonexistent ad-
dresses.¹³⁴ (The same program was carried out when the Washington
Mobilization Committee distributed housing forms for demonstrators
coming to Washington for the 1969 Presidential inaugural cere-
monies.)¹³⁵

In another case, during the demonstrations accompanying inaugura-
tion ceremonies, the Washington Field Office discovered that NMC
marshals were using walkie-talkies to coordinate their movements and

¹²⁴ Memorandum from Newark Field Office to FBI Headquarters, 5/23/69;
memorandum from FBI Headquarters to Newark Field Office, 6/4/69.

¹²⁵ Memorandum from Detroit Field Office to FBI Headquarters, 2/25/69;
memorandum from FBI Headquarters to Detroit Field Office, 3/27/69.

¹²⁶ For example, one proposal requested that the FBI Lab prepare a quart of
solution "capable of duplicating a scent of the most foul smelling feces avail-
able," along with a dispenser capable of squirting a narrow stream for a distance
of approximately three feet. The proposed targets were the physical plant of a
New Left publisher and BPP publications prior to their distribution. Head-
quarters instructed the field office to furnish more information about the purpose
for the material's use and the manner and security with which it would be used.
The idea was then apparently dropped. (Memorandum from Detroit Field Office
to FBI Headquarters, 10/13/70; memorandum from FBI Headquarters to Detroit
Field Office, 10/23/70.)

¹²⁷ Memorandum from FBI Headquarters to Los Angeles Field Office, 9/23/68.

¹²⁸ Memorandum from FBI Headquarters to San Antonio Field Office, 5/13/69.

¹²⁹ Memorandum from FBI Headquarters to Indianapolis Field Office, 6/17/68.

¹³⁰ Memorandum from FBI Headquarters to all SAC's, 12/30/68.

¹³¹ One of the 12 standard techniques referred to in the New Left memorandum
discussed at pp. 25-26, disinformation bridges the line between "counter-
intelligence" and sabotage.

¹³² Memorandum from Chicago Field Office to FBI Headquarters, 9/9/68;

memorandum from Charles Brennan to William C. Sullivan, 8/15/68.

¹³³ Memorandum from Washington Field Office to FBI Headquarters, 1/21/69.

know what it's going to do, you can seed distrust, sow misinformation. The same technique is used in the foreign field. The same technique is used, misinformation, disruption, is used in the domestic groups, although in the domestic groups you are dealing in '67 and '68 with many, many more across the country . . . than you had ever dealt with as far as your foreign groups.¹⁴⁶

The arsenal of techniques used in the Bureau's secret war against domestic enemies ranged from the trivial to the life-endangering. Slightly more than a quarter of all approved actions were intended to promote factionalization within groups and between groups; a roughly equal number of actions involved the creation and dissemination of propaganda.¹⁴⁷ Other techniques involved the use of federal, state, and local agencies in selective law enforcement, and other use (and abuse) of government processes; disseminating derogatory information to family, friends, and associates; contacting employers; exposing "communist infiltration" or support of target groups; and using organizations which were hostile to target groups to disrupt meetings or otherwise attack the targets.

A. Propaganda

The Bureau's COINTELPRO propaganda efforts ^[used] stem from the same basic premise as the attacks on speaking, teaching, writing and meeting: propaganda works. Certain ideas are dangerous, and if their expression cannot be prevented, they should be countered with Bureau-approved views. Three basic techniques were used: (1) mailing reprints of newspaper and magazine articles to group members or potential supporters intended to convince them of the error of their ways; (2) writing articles for or furnishing information to "friendly" media sources to "expose" target groups;¹⁴⁸ and (3) writing, printing, and disseminating pamphlets and fliers without identifying the Bureau as the source.

1. Reprint Mailings

The documents contain case after case of articles and newspaper clippings being mailed (anonymously, of course) to group members. The Jewish members of the Communist Party appear to have been inundated with clippings dealing with Soviet mistreatment of Jews. Similarly, Jewish supporters of the Black Panther Party received articles from the BPP newspaper containing anti-Semitic statements. College administrators received reprints of a *Reader's Digest* article¹⁴⁹ and a *Barron's* article on campus disturbances intended to persuade them to "get tough."¹⁵⁰

Perhaps only one example need be examined in detail, and that only because it clearly sets forth the purpose of propaganda reprint mailings. Fifty copies of an article entitled "Rabbi in Vietnam Says With-

¹⁴⁶ Moore, 11/3/75, pp. 32-33.

¹⁴⁷ The percentages used in this section are derived from a staff tabulation of the Petersen Committee summaries. The numbers are approximate because it was occasionally difficult to determine from the summary what the purpose of the technique was.

¹⁴⁸ The resulting articles could then be used in the reprint mailing program.

¹⁴⁹ Memorandum from FBI Headquarters to Minneapolis Field Office, 11/4/68.

¹⁵⁰ Memorandum from FBI Headquarters to Boston Field Office, 9/12/68.

drawal Not the Answer," of United States foreign unnamed professors and "who have no other subver pose of the mailing was "ness of the U.S. foreign po

Reprint mailings would characterization of in They violate no one's civil anonymous propaganda-lar

2. "Friendly" Media

Much of the Bureau's protection or articles to "friendly" not to reveal the Bureau's the Bureau was responsible quarters contacts with the which had nothing to do v bled a list of "friendly" no Bureau stories (Field office Bureau informants) in the cooperation.

The Bureau's use of the n ing unfavorable articles a and leaking derogatory in uals.¹⁵¹

A typical example of me authorizing the Boston Field about the Nation of Isla excised]:¹⁵²

¹⁵¹ Memorandum from FBI Hea

¹⁵² Levi 12/11/75, Hearings, V

¹⁵³ "Name checks" were appare program, to make sure they we showed that a television report the SDS had the same name as Brigade. The field office was asl "identical." The field office clat tion, and local police records, a factory, that he had no arrest r two major political parties"—as in the Spanish Civil War. Acco randum from Pittsburgh Field (dym from FBI Headquarters to

The Bureau also noted, f Director, and the Division main names of some reporters and a Boston Globe was turned dow reporters "have made unfound. Field Office was advised to re (Memorandum from FBI Hea

¹⁵⁴ Leaking derogatory informa

¹⁵⁵ The Committee's agreement provided that the Bureau could the documents were delivered to to see the excised names at Bu names not be used.

an seed distrust, sow mis-
used in the foreign field.
information, disruption, is
high in the domestic groups
in many, many more across
dealt with as far as your

The Bureau's secret war against
trivial to the life-endangering.
proved actions were intended to
and between groups; a roughly
creation and dissemination of
ed the use of federal, state, and
ment, and other use (and abuse)
ting derogatory information to
ing employers; exposing "com-
pet groups; and using organiza-
tions to disrupt meetings or other-

USCA
propaganda efforts stem from the
speaking, teaching, writing and
ideas are dangerous, and if their
should be countered with Bureau-
ones were used: (1) mailing re-
articles to group members or po-
vince them of the error of their
ishing information to "friendly"
ups;¹²⁰ and (3) writing, printing,
ders without identifying the Bu-

case of articles and newspaper
of course) to group members.
First Party appear to have been
with Soviet mistreatment of Jews.
Black Panther Party received
containing anti-Semitic state-
ved reprints of a *Reader's Digest*
campus disturbances intended to

examined in detail, and that only
pose of propaganda reprint mail-
ed "Rabbi in Vietnam Says With-

are derived from a staff tabulation of
numbers are approximate because it was
the summary what the purpose of the

used in the reprint mailing program.
to Minneapolis Field Office, 11/4/68.
to Boston Field Office, 9/12/68.

drawal Not the Answer," described as "an excellent article in support
of United States foreign policy in Vietnam," were mailed to certain
unnamed professors and members of the Vietnam Day Committee
"who have no other subversive organizational affiliations." The pur-
pose of the mailing was "to convince [the recipients] of the correct-
ness of the U.S. foreign policy in Vietnam."¹²⁵

Reprint mailings would seem to fall under Attorney General Levi's
characterization of much of COINTELPRO as "foolishness."¹²⁶
They violate no one's civil rights, but should the Bureau be in the
anonymous propaganda business?

2. "Friendly" Media

Much of the Bureau's propaganda efforts involved giving informa-
tion or articles to "friendly" media sources who could be relied upon
not to reveal the Bureau's interests.¹²⁷ The Crime Records Division of
the Bureau was responsible for public relations, including all head-
quarters contacts with the media. In the course of its work (most of
which had nothing to do with COINTELPRO) the Division assem-
bled a list of "friendly" news media sources—those who wrote pro-
Bureau stories.¹²⁸ Field offices also had "confidential sources" (unpaid
Bureau informants) in the media, and were able to ensure their
cooperation.

The Bureau's use of the news media took two different forms: plac-
ing unfavorable articles and documentaries about targeted groups,
and leaking derogatory information intended to discredit individ-
uals.¹²⁹

A typical example of media propaganda is the headquarters letter
authorizing the Boston Field Office to furnish "derogatory information
about the Nation of Islam (NOI) to established source [name
excised]":¹³⁰

¹²⁰ Memorandum from FBI Headquarters to San Francisco Field Office, 11/1/65.

¹²¹ Levi 12/11/75, Hearings, Vol. 6, p. 318.

¹²² "Name checks" were apparently run on all reporters proposed for use in the
program, to make sure they were reliable. In one case, a check of Bureau files
showed that a television reporter proposed as the recipient of information on
the SDS had the same name as someone who had served in the Abraham Lincoln
Brigade. The field office was asked to determine whether the "individuals" were
"identical." The field office obtained the reporter's credit records, voting registra-
tion, and local police records, and determined that his credit rating was satis-
factory, that he had no arrest record, that he "stated a preference for one of the
two major political parties"—and that he was not, in fact, the man who fought
in the Spanish Civil War. Accordingly, the information was furnished. (Memo-
randum from Pittsburgh Field Office to FBI Headquarters, 12/26/68; memo-
randum from FBI Headquarters to Pittsburgh Field Office, 1/23/69.)

¹²³ The Bureau also noted, for its files, those who criticized its work or its
Director, and the Division maintained a "not-to-contact" list which included the
names of some reporters and authors. One proposal to leak information to the
Boston Globe was turned down because both the newspaper and one of its
reporters "have made unfounded criticisms of the FBI in the past." The Boston
Field Office was advised to resubmit the suggestion using another newspaper.
(Memorandum from FBI Headquarters to Boston Field Office, 2/8/68.)

¹²⁴ Leaking derogatory information is discussed at p. 50.

¹²⁵ The Committee's agreement with the Bureau governing document production
provided that the Bureau could excise the names of "confidential sources" when
the documents were delivered to the Committee. Although the staff was permitted
to see the excised names at Bureau headquarters, it was also agreed that the
names not be used.

Your suggestions concerning material to furnish [name] are good. Emphasize to him that the NOI predilection for violence,¹⁵⁸ preaching of race hatred, and hypocrisy, should be exposed. Material furnished [name] should be either public source or known to enough people as to protect your sources. Insure the Bureau's interest in this matter is completely protected by [name].¹⁶⁰

In another case, information on the Junta of Militant Organizations ("JOMO", a Black Nationalist target) was furnished to a source at a Tampa television station.¹⁶¹ Ironically, the station manager, who had no knowledge of the Bureau's involvement, invited the Special Agent in Charge, his assistant, and other agents to a preview of the half-hour film which resulted. The SAC complimented the station manager on his product, and suggested that it be made available to civic groups.¹⁶²

A Miami television station made four separate documentaries (on the Klan, Black Nationalist groups, and the New Left) with materials secretly supplied by the Bureau. One of the documentaries, which had played to an estimated audience of 200,000, was the subject of an internal memorandum "to advise of highly successful results of counterintelligence exposing the black extremist Nation of Islam."

[Excised] was elated at the response. The station received more favorable telephone calls from viewers than the switchboard could handle. Community leaders have commented favorably on the program, three civic organizations have asked to show the film to their members as a public service, and the Broward County Sheriff's Office plans to show the film to its officers and in connection with its community service program.

This expose showed that NOI leaders are of questionable character and live in luxury through a large amount of money taken as contributions from their members. The extreme nature of NOI teachings was underscored. Miami sources advised the expose has caused considerable concern to local NOI leaders who have attempted to rebut the program at each open meeting of the NOI since the program was presented. Local NOI leaders plan a rebuttal in the NOI newspaper. Attendance by visitors at weekly NOI meetings has dropped 50%. This shows the value of carefully planned counterintelligence action.¹⁶³

↑
2-1
↓
The Bureau also planted derogatory articles about the Poor People's Campaign, the Institute for Policy Studies, the Southern Students Organizing Committee, the National Mobilization Committee, and a host of other organizations it believed needed to be seen in their "true light."

¹⁵⁸ Note that Bureau witnesses testified that the NOI was not, in fact, involved in organization violence. See pp. 20-21.

¹⁵⁹ Memorandum from FBI Headquarters to Boston Field Office, 2/27/68.

¹⁶⁰ Memorandum from Tampa Field Office to FBI Headquarters, 8/5/68.

¹⁶¹ Memorandum from Tampa Field Office to FBI Headquarters, 2/7/69.

¹⁶² Memorandum from G. C. Moore to William C. Sullivan, 10/21/69.

3. Bureau-Authored P

The Bureau occasionally produces propaganda. These pieces are not "gets" (rather than other "strat") these fliers are reproduced in

FLY



BA

Dig it. It's time to put the peace movement in the hands of the Socialist Worker - Young Socialist Alliance once and for all. Stop Harry King, both members be dumped. Let's get Herolita and the Junta. DEMAND AN END TO SNP F Suite 900, 1035 Vermont

NOTE: Memorandum from 2 1/14/70; memorandum from F 1/20/70.

material to furnish [name] are NOI predilection for violence and hypocrisy, should be [name] should be either public [name] as to protect your sources. [name] matter is completely pro-

Junta of Militant Organizations [name] was furnished to a source at [name] the station manager, who had [name] ment, invited the Special Agent [name] to a preview of the half-hour [name] mented the station manager on [name] made available to civic groups.¹⁶² [name] four separate documentaries (on [name] and the New Left) with materials [name] of the documentaries, which had [name] 200,000, was the subject of an [name] highly successful results of coun- [name] ternationalist Nation of Islam."

response. The station received [name] from viewers than the switch- [name] ry leaders have commented [name] free civic organizations have [name] members as a public service. [name] Office plans to show the [name] tion with its community serv-

If leaders are of questionable [name] with a large amount of money [name] their members. The extreme [name] underscored. Miami sources ad- [name] considerable concern to local [name] ed to rebut the program at [name] since the program was pre- [name] a rebuttal in the NOI news- [name] weekly NOI meetings has [name] value of carefully planned

articles about the Poor People's [name] Studies, the Southern-Students- [name] Mobilization Committee, and a [name] needed to be seen in their "true

that the NOI was not, in fact, involved

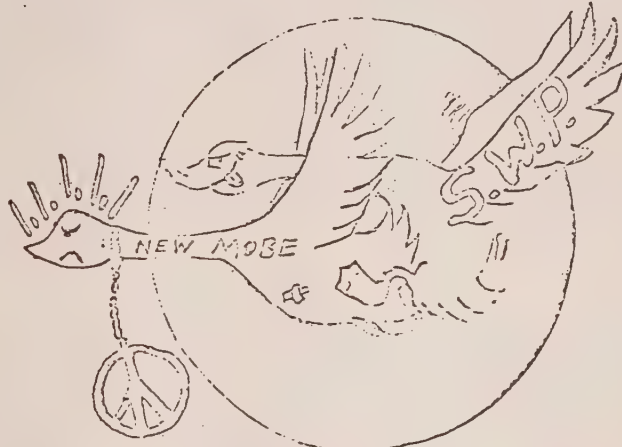
to Boston Field Office, 2/27/68.
to FBI Headquarters, 8/5/68.
to FBI Headquarters, 2/7/69.
William C. Sullivan, 10/21/69.

3. Bureau-Authored Pamphlets and Fliers.

The Bureau occasionally drafted, printed, and distributed its own propaganda. These pieces were usually intended to ridicule their tar- [name] rather than offer "straight" propaganda on the issue. Four of these fliers are reproduced in the following pages.

22

FLY UNITED?



BALLS!

Big ft. It's time to pull the chain, brothers and sisters. If the peace movement in America is to survive, the crap influence of the Socialist Workers Party and its bastard youth group - Young Socialist Alliance - must be flushed from New York once and for all. Stopgap forces like Freddie Belittas and Harry Ring, both members of the SWP Youth Committee, must be dumped. Let's not rise on the Carol Lipman, Gus Horowitz and the Joanne Manning along with other SWP shits! DEMAND AN END TO SWP BULLING! Write New Mob today at Suite 900, 1039 Vermont Ave., N.W., Washington, D.C.

NOTE: Memorandum from New York Field Office to FBI Headquarters, 1/14/70; memorandum from FBI Headquarters to New York Field Office, 1/20/70.

lip service. Those few idiots calling themselves weathermen run around like kids on halloween. A good example is their "militant" activities at the Northland Shopping Center a couple of weeks ago. They call themselves revolutionaries but take a look at who they are. Most of them come from well heeled families even by honky standards. They think they're helping us Blacks but their futile, misguided and above all white efforts only muddy the revolutionary waters.

The time has come for an absolute break with any non-Black group and especially those — SDS and a return to our pursuit of a pure black revolution by Blacks for Blacks.

Power!
Off the Pigs!!!!

These examples are not, of course, exclusive, but they do give the flavor of the anonymous mailings effort.

3. Interviews

23 Interviewing group members or supporters was an overt "investigative" technique sometimes used for the covert purpose of disruption. For example, one field office noted that "other [BPP] weaknesses that have been capitalized on include interviews of members wherein jealousy among the members has been stimulated and at the same time has caused a number of persons to fall under suspicion and be purged from the Party."¹⁷⁴

In another case, fourteen field offices were instructed to conduct simultaneous interviews of individuals known to have been contacted by members of the Revolutionary Union. The purpose of the coordinated interviews was "to make possible affiliates of the RU believe that the organization is infiltrated by informants on a high level."¹⁷⁵

In a third instance, a "black nationalist" target attempted to organize a youth group in Mississippi. The field office used informants to determine "the identities of leaders of this group and in interviewing these leaders, expressed to them [the target's] background and his true intentions regarding organizing Negro youth groups." Agents also interviewed the target's landlords and "advised them of certain aspects of [his] past activities and his reputation in the Jackson vicinity as being a Negro extremist." Three of the landlords asked the target to move.¹⁷⁶ The same field office reported that it had interviewed members of the Tougaloo College Political Action Committee, an "SNCC affiliated" student group. The members were interviewed while they were home on summer vacation. "Sources report that these interviews had a very upsetting effect on the PAC organization and they felt they have been betrayed by someone at Tougaloo College. Many of the members have limited their participation in PAC affairs since their interview by Agents during the summer of 1968."¹⁷⁷

4. Using Informants To Raise Controversial Issues

24 → The Bureau's use of informants generally is the subject of a separate report. It is worth noting here, however, that the use of inform-

¹⁷⁴ Memorandum from Indianapolis Field Office to FBI Headquarters, 9/23/69.

¹⁷⁵ Memorandum from FBI Headquarters to all SACs, 10/28/70.

¹⁷⁶ Memorandum from Jackson Field Office to FBI Headquarters, 11/27/68.

¹⁷⁷ *Ibid.*

ants to take advantage back to the first. Cf. refers to the use of the Party following

Informants were For instance, an in one faction of the and that a second l office reported that there have been fir recent SDS meeti made early mornin threatened them SDS meetings."¹⁷⁸

In another case among his associ "may be either a that the question serious results con leadership."¹⁷⁹

5. Fiction

There are basic tions. All three w

The first kind were all Bureau with the Bureau example which approved, was ne a chapter of the be composed ent The initial purp sending organi coverage of out expenses, and re was to begin to would be expell claim to be the that the entire c

The second ki some unsuspect informants set ship away from informant's per which had, at its

The third tyj with no actual i

¹⁷⁸ Memorandum

¹⁷⁹ Memorandum

p. 2.

¹⁸⁰ Memorandum

¹⁸¹ Memorandum

¹⁸² Memorandum

elves weathermen
example is their
Shopping Center a
revolutionaries but
come from well
They think they're
aged and above all
waters.

back with any non-
SDS and a return to
Blacks for Blacks.

they do give the flavor

was an overt "inves-
tigation" purpose of disrup-
tion of the BPP] weak-
interviews of members
stimulated and at the
all under suspicion and

instructed to conduct
to have been contacted
purpose of the coordi-
of the RU believe that
a high level.¹²⁷

target attempted to or-
office used informants
group and in interview-
[sic] background and
outh groups." Agents
used them of certain
in the Jackson vi-
landlords asked the
that it had interviewed
Action Committee, an
were interviewed
ees report that these
PAC organization and
at Tougaloo College.
ation in PAC affairs
anner of 1968."¹²⁸

and Issues

the subject of a sepa-
at the use of inform-

Headquarters, 9/23/69.

10/25/70.

Headquarters, 11/27/68.

ants to take advantage of ideological splits in an organization dates
back to the first COINTELPRO. The originating CPUSA document
refers to the use of informants to capitalize on the discussion within
the Party following Khrushchev's denunciation of Stalin.¹²²

Informants were also used to widen rifts in other organizations.
For instance, an informant was instructed to imply that the head of
one faction of the SDS was using group funds for his drug habit,
and that a second leader embezzled funds at another school. The field
office reported that "as a result of actions taken by this informant,
there have been fist fights and acts of name calling at several of the
recent SDS meetings." In addition, members of one faction "have
made early morning telephone calls" to other SDS members and "have
threatened them and attempted to discourage them from attending
SDS meetings."¹²³

In another case, an informant was used to "raise the question"
among his associates that an unmarried, 30-year old group leader
"may be either a bisexual or a homosexual." The field office believed
that the question would "rapidly become a rumor" and "could have
serious results concerning the ability and effectiveness of [the target's]
leadership."¹²⁴

5. Fictitious Organizations

There are basically three kinds of "notional" or fictitious organiza-
tions. All three were used in COINTELPRO attempts to factionalize.

The first kind of "notional" was the organization whose members
were all Bureau informants. Because of the Committee's agreement
with the Bureau not to reveal the identities of informants, the only
example which can be discussed publicly is a proposal which, although
approved, was never implemented. That proposal involved setting up
a chapter of the W.E.B. DuBois Club in a Southern city which would
be composed entirely of Bureau informants and fictitious persons.
The initial purpose of the chapter was to cause the CPUSA expense by
sending organizers into the area, cause the Party to fund Bureau
coverage of out-of-town CP meetings by paying the informants'
expenses, and receive literature and instructions. Later, the chapter
was to begin to engage in deviation from the Party line so that it
would be expelled from the main organization "and then they could
claim to be the victim of a Stalinist type purge." It was anticipated
that the entire operation would take no more than 18 months.¹²⁵

The second kind of "notional" was the fictitious organization with
some unsuspecting (non-informant) members. For example, Bureau
informants set up a Klan organization intended to attract member-
ship away from the United Klans of America. The Bureau paid the
informant's personal expenses in setting up the new organization,
which had, at its height, 250 members.¹²⁶

The third type of "notional" was the wholly fictitious organization,
with no actual members, which was used as a pseudonym for mailing

¹²² Memorandum from FBI Headquarters to New York Field Office, 9/6/56.

¹²³ Memorandum from Los Angeles Field Office to FBI Headquarters, 12/12/68.

p. 2.

¹²⁴ Memorandum from San Diego Field Office to FBI Headquarters, 2/2/70.

¹²⁵ Memorandum from New York Field Office to FBI Headquarters, 7/9/64.

¹²⁶ Memorandum from C. D. Brennan to W. C. Sullivan, 8/28/67.

V. COMMAND AND CONTROL: THE PROBLEM OF OVERSIGHT

A. Within the Bureau

1. Internal Administration

The Bureau attempted to exercise stringent internal controls over COINTELPRO. All counterintelligence proposals had to be approved by headquarters. Every originating COINTELPRO document contains a strong warning to the field that "no counterintelligence action may be initiated by the field without specific Bureau authorization." The field would send a proposal under the COINTELPRO caption to the Seat of Government—the Bureau term for headquarters— where it would be routed to the Section Chief of the section handling the particular COINTELPRO program.²²²

The recommendation would then be attached to the proposal, beginning the process of administrative review. The lowest level on which a proposal could be approved was the Assistant Director, Domestic Intelligence Division, to whom the Section Chief reported via the Branch Chief. More often, the proposal would go through the Assistant to the Director and often to the Director himself.

2. Coordination

The Counterintelligence programs were coordinated with the rest of the section's work primarily through informal contacts, but also through section meetings and the Section Chief's knowledge of the work of his entire section.

Further, although the initial COINTELPRO was an effort to centralize what had been an *ad hoc* series of field actions, the programs continued to be essentially field-oriented with little target selection by headquarters. However, the Section Chief would attempt to make sure targets were being effectively chosen by occasionally sending out directives to field offices to intensify the investigation of a particular individual or group and to consider the subject for counterintelligence action.²²³

3. Results

Participating field offices were required to send in status letters (usually every ninety days) reporting any tangible results. They were instructed to resolve any doubts as to whether a counterintelligence action caused the observed result in their favor. Nevertheless, results were reported in only 527 cases, or 22 percent, of the approved actions. When a "good" result was reported, the field office or agent involved frequently received a letter of commendation or incentive award.²²⁴

²²² The CPUSA, SWP, and New Left programs were handled in the Internal Security Section; the White Hate program was first handled in a short-lived three-man "COINTELPRO unit" which, during the three years of its existence, supervised the CP and SWP programs as well, and then was transferred to the Extremists Section. The Black Nationalist program was supervised by the Racial Intelligence Section. The Section Chief would then route the proposal to the COINTELPRO supervisor for each program. Occasionally the Section Chief made a recommendation as to the proposal; more often the supervisor made the initial decision to approve or deny.

²²³ No control file was maintained of these directives. Since these directives were sent out under the investigative caption, the first time the COINTELPRO caption would be used was on the field proposal which responded to the directives.

²²⁴ (Unit chief, 10/10/75, p. 167.) There is no central file of such awards, so the number is retrievable only by searching each agent's personnel file.

4. Blurred Distinction Investigation

It is possible that some act simply because the field office "intelligence" was. Although COINTELPRO proposals to field offices had no way to be maintained by counterintelligence and by agencies overlap contacts with contacts with local law enforcement all investigative techniques.²²⁵ More importantly, case which cannot, by any stretch, were not called COINTELPRO.

The Bureau witnesses aggression, and that there is a large intelligence and what is aggressive supervisor put it, "Basically or disrupt an organization were primarily investigative desks," even though effects. Aggressive investigation as disruptive as COINTELPRO can and does reveal (TELPRO) can be discarded. FBI agent says the subject ployer or family member part.

5. Inspection

The Inspection Division dures were being followed, office participation, and the ever, the Inspection Division looking for wrongdoing. COINTELPRO by attempting ciently and enthusiastically.

²²⁵ According to Moore, even an informant when he is not may be used, in an ordinary way. You had an informant who him and the degree of response to use in order to sow enough fear informant." (Moore, 11/3/77)

²²⁶ See Dr. Martin Luther King Black Nationalist deposition.

²²⁷ As Moore put it, "This was gram, you had to produce results only during your own inspection during field inspections." (Moore received copies of the inspector type report in every instance I c. For example, one Domestic "White Hate" programs noted in organizations is attributable to

OF OVERSIGHT

Internal controls over COINTELPRO documents had to be approved by the Bureau for counterintelligence action. COINTELPRO caption for headquarters—of the section handling

to the proposal, be- The lowest level on Assistant Director, Don- Chief reported via would go through the for himself.

ordinated with the rest of the contacts, but also of the knowledge of the

CO was an effort to cen- actions, the programs title target selection by attempt to make sure tionally sending out di- of a particular for counterintelligence

send in status letters able results. They were a counterintelligence on. Nevertheless, results of the approved actions. office or agent involved or incentive award.²⁵⁴

re handled in the Internal handled in a short-lived three years of its existence. then was transferred to the supervised by the Racial in route. The proposal to the tionally the Section Chief often the supervisor made

tives. Since these directives first time the COINTELPRO which responded to the of such awards, so the personnel file.

4. Blurred Distinction Between Counterintelligence and Investigation

It is possible that some actions did not receive headquarters scrutiny simply because the field offices were never told precisely what "counterintelligence" was. Although Bureau procedures strictly required COINTELPRO proposals to be approved at headquarters and a copy of the file to be maintained both in the field and at headquarters, the field offices had no way to determine with any certainty just what was counterintelligence and what was investigation. Many of the techniques overlap: contacts with employers, contacts with family members, contacts with local law enforcement, even straight interviewing, are all investigative techniques which were used in COINTELPRO actions.²⁵⁵ More importantly, actions in the Rev. Martin Luther King case which cannot, by any stretch of the language, be called "investigative" were not called COINTELPRO, but were carried under the investigative caption.²⁵⁶

The Bureau witnesses agree that COINTELPRO has no fixed definition, and that there is a large grey area between what is counterintelligence and what is aggressive investigation. As the Black Nationalist supervisor put it, "Basically actions taken to neutralize an individual or disrupt an organization would be COINTELPRO; actions which were primarily investigative would have been handled by the investigative desks," even though the investigative action had disruptive effects.²⁵⁷ Aggressive investigation continues, and in many cases may be as disruptive as COINTELPRO, because in an investigation the Bureau can and does reveal its interest. An anonymous letter (COINTELPRO) can be discarded as the work of a crank; but if the local FBI agent says the subject of an investigation is a subversive an employer or family member pays attention.

5. Inspection

The Inspection Division attempted to ensure that standard procedures were being followed. The Inspectors focused on two things: field office participation, and the mechanics of headquarters approval. However, the Inspection Division did not exercise oversight, in the sense of looking for wrongdoing. Rather, it was an active participant in COINTELPRO by attempting to make sure that it was being efficiently and enthusiastically conducted.²⁵⁸

²⁵⁴ According to Moore, even the "snitch jacket"—labeling a group member as an informant when he is not—is not solely a counterintelligence technique, but may be used, in an ordinary investigation, to protect a real informant. "Maybe you had an informant whose life was at stake because somebody suspected him and the degree of response . . . might be the degree that you would have to use in order to sow enough suspicion on other people to take it away from your informant." (Moore, 11/3/75, p. 70)

²⁵⁵ See Dr. Martin Luther King Report.

²⁵⁶ Black Nationalist deposition, 10/17/75, p. 15.

²⁵⁷ As Moore put it, "This was a program, and whenever the Bureau had a program, you had to produce results because it was scrutinized by the inspectors, not only during your own inspection on a yearly basis, but also scrutinized in the field during field inspections." (Moore, 11/3/75, p. 43.) The New Left supervisor, who received copies of the inspection reports, stated that "it would be an innocuous type report in every instance I can recall." (New Left supervisor, 10/28/75, p. 72)

For example, one Domestic Intelligence Division inspection report on the "White Hate" programs noted under "Accomplishments" that the decline in Klan organizations is attributable to "hard-hitting investigations, counterintelligence

(Continued)

28
↓
As the Assistant Director then in charge of the Inspection Division testified, the "propriety" of COINTELPRO was not investigated. He agreed that his job was to "determine whether the program was being pursued effectively as opposed to whether it was proper," and added, "There was no instruction to me, nor do I believe there is any instruction in the Inspector's manual that the Inspector should be on the alert to see that constitutional values are being protected."²⁵⁸

B. Outside the Bureau: 1956-1971

There is no clear answer to the question whether anyone outside the Bureau knew about COINTELPRO. One of the hallmarks of COINTELPRO was its secrecy. No one outside the Bureau was to know it existed.²⁵⁹ A characteristic instruction appeared in the Black Nationalist originating letter:

You are also cautioned that the nature of this new endeavor is such that under no circumstances should the existence of the program be made known outside the Bureau and appropriate within-office security should be afforded to sensitive operations and techniques considered under the program.²⁶⁰

Thus, for example, anonymous letters had to be written on commercially purchased stationery; newsmen had to be so completely trustworthy that they were guaranteed not to reveal the Bureau's interest; and inquiries of law enforcement officials had to be under investigative pretext. In approving or denying any proposal, the primary consideration was preventing "embarrassment to the Bureau." Embarrassment is a term of art. It means both public relations embarrassment—criticism—and any revelation of the Bureau's investigative interest to the subject, which may then be expected to take countermeasures.²⁶¹

(Continued)

programs directed at them, and penetration . . . by our racial informants." The report then lists several specific actions, including the defeat of a candidate with Klan affiliations; the removal from office of a high Klan official; and the issuance of a derogatory press release. (Inspection, Domestic Intelligence Division, 1/8-26-71, pp. 15, 17-19.)

²⁵⁸ Mark Felt testimony, 2/3/76, pp. 56, 65.

²⁵⁹ For security reasons, no instructions were printed in the Manual. In service training for intelligence agents did contain an hour on COINTELPRO, so it may be assumed that most agents knew something about the programs.

²⁶⁰ For instances in which Attorneys General, the Cabinet, and the House Subcommittee on Appropriations were allegedly informed of the existence of the CPUSA and Klan COINTELPROs.

²⁶¹ Memorandum from FBI Headquarters to all SAC's, 8/25/67.

²⁶² One example of the lengths to which the Bureau went in maintaining secrecy may be instructive. The Bureau sent a letter to Klan members purporting to be from the "National Intelligence Committee"—a super-secret Klan disciplinary body. The letter fired the North Carolina Grand Dragon and suspended the Imperial Wizard, Robert Shelton. Shelton complained to both the local postal inspector and the FBI resident agency (which solemnly assured him that his complaint was not within the Bureau's jurisdiction). The Bureau had intended to mail a second "NIC" letter, but the plans were held in abeyance until it could be learned whether the postal inspector intended to act on Shelton's complaint. The Bureau, therefore, contacted the local postal inspector, using their investigation of Shelton's complaint as a pretext, to see what the inspector intended to do. The field office reported that the local inspector had forwarded the complaint to regional headquarters, which in turn referred it to a Chief Postal Inspector in Washington, D.C. The Bureau's liaison agent was then sent to that office to determine what action the postal authorities planned to take. He returned with the information that the Post Office had referred the matter to the Fraud Section of the Department of Justice's Criminal Division, under a cover

This secrecy has and some question whether the Bureau was informed of the committee's request, the Bureau files which indicate the branches were so informed.

1. Executive Branch

On May 8, 1958, Director Robert Cutler, Sr. wrote the other to Attorney General. The Attorney General's letter to the NIST PARTY, USA, fairly explicit notification.

In August of 1956, to promote disruption of the Party (CP) USA, to accomplish our objective.

The letters go on to detail discussions, after which were aroused, and jealous anti-communist material active CP members.²⁶⁴ enclosed.) "Tangible and disillusionment and factionalism at all levels were use of informants no record of any reply to

letter stating that since "struggle" for Klan control tensions in nature," the Post apparently, did the Director or the Criminal. Instead, when it appeared prepared to send out the Klan "national" was proposed.

Memorandum from Chief of Bureau to FBI Headquarters from Charlotte Field Office, 1/11/67. Memorandum from Atlanta Field Office to FBI Headquarters, 8/22/67. Memorandum from Atlanta Field Office to FBI Headquarters, 8/21/67.

²⁶³ These documents were Peterson Committee two knowledge, and twice was ready to go to press did view with Henry Peterson.

²⁶⁴ Memorandum from 1

²⁶⁵ Memorandum from 1

²⁶⁶ Memorandum from 1

its the installation
all as the intercept-
communications) in all
collection of intelli-
specific authoriza-
obtained in each in-
Intelligence data so
igative or litigative

of wiretapping and elec-
to the heads of executive
prohibition of wiretapping

regarding wiretapping re-
1968, two Supreme Court
altered the constitutional
generally. In *Berger v. New*
United States, 389 U.S. 347
instead and held that the
and seizures of conversa-
an individual as to which he
Katz explicitly left open the
warrant was required in

Katz decisions. Congress en-
Control and Safe Streets Act of
lished procedures for obtaining
by government officials,⁵⁷ but
which was left open in *Katz*,
of the Act stated that nothing
the Federal Communications Act
power of the President in certain
subsection reads as follows:

inter or in section 605 of
48 Stat. 1143, 47 U.S.C.
powers of the President

to all United States Attorneys,
to the Supreme Court in *Black*

to the Heads of Executive Depart-

Clark was more restrictive in approv-
ed was necessary. He stated that his
and to international activities directly
United States." (Testimony of Ramsey
in Administrative Practice and Proce-
States Senate (1974).) See p. 349 for
domestic "national security" consider-

authorized wiretapping by government

to take such measures as he deems necessary to protect the
Nation against actual or potential attack or other hostile
acts of a foreign power, to obtain foreign intelligence infor-
mation deemed essential to the security of the United States,
or to protect national security information against foreign
intelligence activities. Nor shall anything contained in this
chapter be deemed to limit the constitutional power of the
President to take such measures as he deems necessary to
protect the United States against the overthrow of the
Government by force or other unlawful means, or against any
other clear and present danger to the structure or existence
of the Government. The contents of any wire or oral com-
munication intercepted by authority of the President in the
exercise of the foregoing powers may be received in evidence
in any trial hearing or other proceeding only where such
interception was reasonable, and shall not be otherwise used
or disclosed except as is necessary to implement that power.⁶⁰

Significantly, this subsection does not define the scope of the Presi-
dent's constitutional power in the national security area. As the
Supreme Court noted in the *Keith* case, it is merely a statement that
to the extent such powers exist, if they exist at all they override the
procedural requirements for electronic surveillance that are outlined
in this statute and in the 1934 Act.⁶¹

D. Justice Department Criteria for Warrantless Wiretaps: 1968-1976

1. 1968-1972

In fields other than national security, the Justice Department was
obligated to conform with the warrant procedures of the 1968
statute. But in national security cases, Justice Department policy per-
mitted—and the Act did not forbid—warrantless wiretapping if the
proposed surveillance satisfied one or more of the following criteria
(which paralleled the standards enunciated in Section 2511(3)):

- (1) That it is necessary to protect the nation against actual
or potential attack or any other hostile action of a foreign
power;

⁵⁷ A bill drafted by the Justice Department in 1967 would have specifically
authorized the President to use warrantless electronic surveillance, but it was
limited to the three foreign-related purposes and would have barred the use of
information obtained thereby in judicial or other administrative proceedings.
(Hearings on H.R. 5386 before Subcommittee No. 5 of the House Judiciary Com-
mittee, 90th Cong., 1st Sess. 292 (1967).)

⁵⁸ During the Senate debate on the 1968 Act, an amendment was proposed to
eliminate the references to the domestic security purposes for warrantless elec-
tronic surveillance. Attorney General Ramsey Clark endorsed the amendment;
and the Justice Department stated, "The concept of a domestic threat to the
national security is vague and undefined. Use of electronic surveillance in such
cases may be easily abused." (114 Cong. Rec. 14717, 90th Cong., 2d Sess. (1968).)
The amendment was defeated.

⁵⁹ *United States v. United States District Court*, 407 U.S. 297, 303-04 (1972).
In so interpreting Section 2511(3), the Court relied in part on its legislative his-
tory, which made it clear that the section was not intended to confer any power
upon the President. The Court quoted the remarks of Senator Philip Hart that
". . . [N]othing in Section 2511(3) even attempts to define the limits of the
President's national security power under present law, which I have always
found extremely vague. . . . Section 2511(3) merely says that if the President
has such a power, then its exercise is in no way affected by Title III." (407 U.S.
at 307.)

(2) That it is necessary to obtain foreign intelligence information deemed essential to the security of the United States;

(3) That it is necessary to protect national security information against foreign intelligence activities;

(4) That it is necessary to protect the United States against the overthrow of the Government by force or other unlawful means; or

(5) That it is necessary to protect the United States against a clear or present danger to the structure or the existence of its Government.⁶²

Existing procedures for warrantless wiretaps requiring the prior written authorization of the Attorney General and subsequent reauthorization after 90 days remained in effect after the passage of the 1968 Act.

2. The Keith Case: 1972

On June 19, 1972, the Supreme Court decided the so-called *Keith* case, *United States v. United States District Court*, 407 U.S. 297 (1972), which held that the Fourth Amendment required prior judicial approval for "domestic security" electronic surveillance. The Court acknowledged the constitutional power of the President to "protect our Government against those who would subvert or overthrow it by unlawful means,"⁶³ but it held that this power did not extend to the authorization of warrantless electronic surveillance directed at a domestic organization which was neither directly nor indirectly connected with a foreign power.⁶⁴

To conform with the *Keith* decision, the Justice Department thereafter limited warrantless wiretapping to cases involving a "significant connection with a foreign power, its agents or agencies."⁶⁵ A spokesman for the Department stated that such a connection might be shown by "the presence of such factors as substantial financing, control by or active collaboration with a foreign government and agencies thereof in unlawful activities directed against the Government of the United States."⁶⁶

⁶² Letter from William Olson to Attorney General Elliot Richardson, undated.
⁶³ 407 U.S. at 310.

⁶⁴ At the same time the Court recognized that "domestic security surveillance may involve different policy and practical considerations apart from the surveillance of 'ordinary crime.'" (407 U.S. at 322), and thus did not hold that "the same type of standards and procedures prescribed by Title III [of the 1968 Act] are necessarily applicable to this case." (407 U.S. at 322). The Court noted:

"Given [the] potential distinctions between Title III criminal surveillances and those involving domestic security, Congress may wish to consider protective standards for the latter which differ from those already prescribed for specified crimes in Title III. Different standards may be complete with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence information and the protected rights of our citizens." (407 U.S. at 322-23). 407 U.S. at 309, 321.

⁶⁵ Testimony of Deputy Assistant Attorney General Kevin Maroney, Hearings Before the Senate Subcommittee on Administrative Practice and Procedure 6/29/72, p. 10. This language paralleled that of the Supreme Court in *Keith*, 407 U.S. at 309, n. 8.

⁶⁶ Maroney Testimony, Hearings before the Senate Subcommittee on Administrative Practice and Procedure, 6/29/72, p. 10.

3. 1972-7
The Justice Department and the Intelligence Community were next. Edward H. Levi wrote a letter in which he wrote, in part:

Under the President, the required level of review may be instituted by the President and must be justified by the President. Requests for review group, Attorney General, the Attorney General, electronic surveillance, foreign intelligence.

In addition, the subject of the power or foreign activity directed at political groups, human physical, will be used.

All authorization and the specific required for conduct. The Attorney General, all electronic surveillance, the date of United States, electronic surveillance, conducted where it

In his public testimony, Intelligence Activities, again articulated the approval of warrantless surveillance returned to the date of Section 2511(3) of the category was also added.

Requests are only surveillance is needed potential attack on obtain foreign intelligence the nation; to protect foreign intelligence.

⁶⁷ Letter from Attorney Edward Kennedy, 6/24/75.

was approximately
ation by the Senate
cedure into the use
by federal agencies.
duce by one-half
ances then in effect.
out of a concern that
se of that technique
wiretaps in the "secu-
s, and remained close

of and in other intelli-
Hoover's policy, and
to raise or eliminate
aneous electronic sur-
resident Nixon in June
electronic surveillances
ection of valuable in-
the entire intelligence
nt with the option of
ensification of coverage
ates who pose a major
was specifically recom-
ston.⁹⁸

as electronic surveillances.
annual statistics reflected in
electronic surveillances con-
the year indicated.

llected that the number of
each year during J. Edgar
ropriations Committee so
er of wiretaps in operation.
ry, House of Representa-
so-called "17 wiretaps"
surveillances should be discon-
from W. S. Sullivan to Mr.

or terminations during the
ions Committee is revealed
the number of warrantless
irty days prior to, during,
many before that committee

After

Mar. 13, 1957 (47).
Mar. 22, 1959 (33).
May 15, 1959 (50).
Apr. 6, 1970 (37).
Apr. 17, 1971 (49).
Mar. 31, 1972 (35).

Intelligence (Ad Hoc) June

R. Haldeman, 7/70.

Director Hoover nonetheless remained strongly opposed to lifting restraints on the FBI's use of warrantless electronic surveillance. He added a footnote to the electronic surveillance section of the Huston Report which read:

The FBI does not wish to change its present procedure of selective coverage of major internal security threats as it believes this coverage is adequate at this time. The FBI would not oppose other agencies seeking authority of the Attorney General for coverage required by them and thereafter instituting such coverage themselves.⁹⁹

In part because of Hoover's opposition to the Huston Plan, President Nixon, who had originally endorsed the recommendations, withdrew his approval¹⁰⁰ and the maximum number of electronic surveillance stayed essentially constant until 1972.

The policy of placing an arbitrary ceiling on simultaneous warrantless electronic surveillances was apparently terminated after J. Edgar Hoover's death in 1972. With the apparent lifting of this self-restriction, the number of foreign-related surveillances increased¹⁰¹—a fact which is reflected in the annual totals listed above.

B. Requests, Approvals, and Implementation

1. The Request and Approval Process

Recommendations for the use of electronic surveillance in particular cases are typically initiated at the field level of the Bureau, although at times they have originated with the Attorney General, the White House, and the head of another agency.¹⁰² If Headquarters approves a field request, the appropriate field office then conducts a feasibility study to determine whether or not the surveillance can be conducted with complete security. Upon a favorable security finding, the Director personally sends the Attorney General a formal request for coverage, setting forth the name and address of the person or persons to be monitored as well as pertinent facts about the case.¹⁰³

According to former Attorney General William Saxbe, the "request must contain very detailed information."¹⁰⁴ In numerous cases in the past, however, the information supplied in the request has been minimal at best. For example, several of the so-called "17 wiretaps" during the Nixon administration were approved by Attorney General John Mitchell despite the lack of any data in the formal requests to support the need for the technique's use.¹⁰⁵ It is possible

⁹⁸ Special Report: Interagency Committee on Intelligence (Ad Hoc), June 1970.

⁹⁹ B. 28.

¹⁰⁰ Report on the Huston Plan: Sec. VI. Revision of the Huston Plan: A Time for Reconsideration.

¹⁰¹ The Keith case, decided in 1972, inhibited a similar increase in warrantless electronic surveillances directed against American citizens connected with domestic organizations.

¹⁰² For examples of wiretap requests which have originated outside the Bureau, see pp. 312, 337.

¹⁰³ As noted above, the approval of the Attorney General has been required prior to the implementation of telephone wiretaps since the early 1940s and prior to the implementation of microphone surveillances since 1965.

¹⁰⁴ Attorney General William Saxbe testimony before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, excerpted in Department of Justice press release, 10/2/74, pp. 5, 6.

¹⁰⁵ See pp. 337-338.

that these and similarly defective requests submitted to other Attorneys General were supplemented by information imparted orally, but, as the District of Columbia Court of Appeals stated in *Zecilon v. Mitchell*:

... we nevertheless note the possibility of abuse when there are no written records of the justifications for instituting a surveillance. Such lack of records allows a search to be justified on information subsequently obtained from the surveillance and permits the assertion that more information was relied on than was in fact the case. Prior judicial approval for wiretapping, among other benefits, of course freezes the record as to the data upon which the surveillance was based.¹⁰⁵

2. Implementation of Wiretaps and Bugs

If the Director receives the written approval of the Attorney General for a particular surveillance, the field office is instructed to implement it. In the case of wiretapping, an agent from the field office generally contacts a representative of the local telephone company who acts as Government liaison. One such telephone company representative in Washington, D.C., testified that he was simply orally advised by an agent of the FBI's Washington Field Office that authority had been granted to tap a particular telephone number.¹⁰⁷

According to the Washington Field Office supervisor in charge of the employees who implemented and monitored "national security" wiretaps, the telephone company representative would then assign "pair numbers" in the cable connecting the FBI's Washington, D.C. Field Office with the company's central office in the city, and the recording and monitoring devices would be attached to the assigned cable pair at the field office, where the Bureau monitoring agents were located. After the supervisor verified the wiretap by determining that the intercepted line was the correct one, he would give the tap a symbol number to be used in lieu of the words "telephone surveillance" in any later communication.¹⁰⁸

Generally, two agents would conduct the monitoring operation in eight-hour shifts. These monitors typically tape-recorded all calls on the line and added supplementary notes concerning such items as the identity of the caller and the subject of the conversation if unclear from the tape.¹⁰⁹ Each day, they typed up log summaries, which included anything they believed was consequential. Because the monitors were not told specifically what to look for, however, the summaries tended to be over-inclusive rather than under-inclusive; the supervising agent noted, for instance, that any information obtained about the subject's sex life or drug use would usually be included in the log summaries.¹¹⁰ He also stated that he disliked having empty summaries for any day, and so issued a general instruction to his monitors that an attempt should be made to include at least one item in the log each

¹⁰⁵ *Zecilon v. Mitchell*, 516 F. 2d 594, 609 n. 24 (D.C. Cir. 1975).

¹⁰⁶ Horace R. Hampton, Former Director of Government Communications Service, *Chesapeake and Potomac Telephone Co.*, 1/21/75, *Halperin v. Kissinger*, Civ. No. 1187-73 (D.D.C.), pp. 12, 13.

¹⁰⁷ FBI Special Agent deposition, 4/7/75, *Halperin v. Kissinger*, Civ. No. 1187-73 (D.D.C.), pp. 10, 11.

¹⁰⁸ FBI Special Agent deposition, 4/7/75, pp. 38, 39.

¹⁰⁹ FBI Special Agent deposition, 4/7/75, pp. 40-42.

day.¹¹¹ Even a log summary

A special agent who saw document (which would be transmitted to other members that in the premises, either cases, he sitting in a small room necessary for necessary for tion close to 1)

C. The ELST

In the mid filing disclosure been monitored necessary to be heard on such ney General of

In recent with serious prosecutive electronic comparative. For example, investigation cause we a convicted

In view sirable that of any de prosecutive ular case be necessary duce state.

According between the "early war up and ma surveillance

I have d

¹¹¹ FBI Special Agent deposition, 4/7/75, pp. 40-42.

¹¹² FBI Special Agent deposition, 4/7/75, pp. 40-42.

¹¹³ Staff summary, 4/7/75, pp. 40-42.

¹¹⁴ In *Alderman*, that this policy of the Government electronic surveillance

and the Deputy Attorney General. Both feel that the establishment of such indices is necessary. . . .¹²²

In fact, for a number of years prior to this suggestion the Bureau had maintained rudimentary indices within each field office, although there was no central index and those which existed on the field level were believed to be inadequate by Justice Department officials. Because Hoover believed the existing system was adequate, he reacted defensively when Assistant Attorney General Fred Vinson requested a conference between the Department and the Bureau to discuss the details of the Justice Department's proposal. The Director penned the following notation on the Vinson memorandum: "Since [an indexing system] is already operating, I see no need for such a conference. . . . Tell him it is already done and see that it is meticulously operated."¹²³

About one week later, however, Hoover directed officials at Headquarters to send a teletype to all field offices which had conducted electronic surveillances since January 1960.¹²⁴ These offices were instructed to transmit to Headquarters the names of all individuals whose voices were monitored through electronic surveillance any time within the previous six years, as well as the initial date of the monitoring and the identity of the subject against whom the installation was directed. Each office was also informed that it had a continuing obligation to submit to Headquarters on a weekly basis the names of any additional individuals monitored in the future.¹²⁵

36
The Bureau has since maintained a central index at Headquarters, referred to as the ELSUR Index, which contains the names of all individuals overheard, even incidentally, on both court-ordered and warrantless electronic surveillances. Additional information such as the initial date of the monitoring and the identity of the target of the surveillance is also included in the index. The method by which this index has been compiled, however, raises some questions as to its accuracy and completeness.

Although the ELSUR Index covers the period January 1, 1960, to the present, for example, the FBI's response to a request by the Senate Select Committee for the date and location of all electronic overhears of Martin Luther King, Jr., conceded that retrieval of some of the overhears of King may be impossible. Three factors contributing to this difficulty were set forth by the Bureau:

1. Prior to issuing instructions to field offices in October, 1966, directing them to submit the names of all individuals whose voices have been monitored through a microphone installed or a telephone surveillance operated by the offices any time since 1/1/60, additional surveillances on which King was monitored are unaccountable for as these surveillance logs may have been destroyed.

2. Prior to the instructions, personnel handling logs may have felt that overhears were of no substance or significance and consequently were not recorded.

¹²² Memorandum from Fred M. Vinson, Jr. to the Director, FBI, 9/27/66. [Emphasis added.]

¹²³ Memorandum from Fred Vinson to the Director, FBI, 9/27/66.

¹²⁴ Memorandum from W.C. Sullivan to C. D. DeLoach, 10/4/66.

¹²⁵ *Ibid.*

As the standards of technique to adequately judge of individual persons in questionnaires groups.

Between 1 men were 1961: 11. H. newsletter 1

"Memorandum
strongest evidence
was reported
"The [excised]
[excised]
"In carrying
repeatedly so
join picket line
industry reem
"This factor
and strict

...to the
...the FBI
...Memorandum
...other res.
...d information
...group and) pl
...supporting and
...up "revealed
...have been dele
...Memorandum
...only other result
...ing "indus and

See p. 321.
See p. 321-
See p. 323.
See p. 323.

... security tie . . . I
and it became clear to
us it was to institute
that those kinds of
[security justifications]
went on.²⁰⁴

... were also placed on three
[In planning the "March on
... of these three wiretaps.
... November 6, was directed
... to End the War in Vietnam
... of this group noted that
... was cause for "concern"
... to claim that NMC members
... to engage in violent activity.
... memorandum sent to John

... to End the War in Viet-
... for a massive antiwar
... in Washington, D.C., November
... in Washington, D.C., office
... where the planning takes

... attract the largest num-
... ble in Washington, D.C.
... concern should violence
... for this Bureau to keep
... we feel that in this in-
... and possible areas of con-
... sions to our coverage and to
... erty. Accordingly, we are
... a telephone surveillance

... tap, the Attorney General au-
... thorium Committee and a third
... are "closely coordinating their
... demonstration."²⁰⁵ The only addi-
... on the Vietnam Moratorium
... fully endorsed fully the activi-
... antiwar demonstrations."²⁰⁶
... "New Left-oriented campus
... Mitchell on the basis of an
... factors deemed relevant to
... that the group was attempting
... maintenance and other work-

... the Subcommittee on Administra-
... 12.

... the Attorney General, 11/5/69.

... the Attorney General, 11/7/69.

... on campus" and wanted to "go into industry and factories and . . .
... the radical politics they learned on the campus and spread them
... among factory workers."²⁰⁷

... This approval was renewed three months later despite the fact that
... the request for renewal made no mention of violent or illegal activity
... by the group. The value of the wiretap was shown, according to the
... FBI, by such results as obtaining "the identities of over 600 persons
... either in touch with the national headquarters or associated with" it
... during the prior three months.²⁰⁸ Six months after the original au-
... thorization the number of persons so identified had increased to 1,428;
... and approval was granted for a third three-month period.²⁰⁹

4. *Electronic Surveillance of Journalists, Attorneys and Per- sons Involved in the Domestic Political Process*

As the preceding three subsections indicate, the elasticity of the
standards for instituting electronic surveillance has permitted this
technique to be directed against American citizens with little or no
adequate justification in the particular case. In addition, the targeting
of individuals in certain categories, such as journalists, attorneys, and
persons involved in the domestic political process, is an inherently
questionable practice because of the special concerns which affect these
groups.

Between 1961 and 1972, at least six American journalists and news-
men were electronically surveilled by the FBI: Lloyd Norman in
1961;²¹⁰ Hanson Baldwin in 1962;²¹¹ the editor of an anti-Communist
newsletter in 1965;²¹² Joseph Kraft in 1969;²¹³ and two American

²⁰⁴ Memorandum from J. Edgar Hoover to the Attorney General, 3/16/70. The
strongest evidence that this group's conduct was inimical to the national security
was reported as follows:

"The [group] is dominated and controlled by the pro-Chinese Marxist Leninist
[excised] . . .

"In carrying out the Marxist-Leninist ideology of the [excised] members have
repeatedly sought to become involved in labor disputes on the side of labor,
join picket lines and engage in disruptive and sometimes violent tactics against
industry recruiters on college campuses . . .

"This faction is currently very active, in many of the major demonstrations
and student violence on college campuses . . ." (Memorandum from J. Edgar
Hoover to the Attorney General, 3/16/70. The excised words have been deleted
by the FBI.)

²⁰⁵ Memorandum from J. Edgar Hoover to the Attorney General, 6/16/70. The
only other results noted by Hoover related to the fact that the wiretap had "ob-
tained information concerning the activities of the national headquarters of [the
group and] plans for [the group's] support and participation in demonstrations
supporting antiwar groups and the [excised]." It was also noted that the wire-
tap "revealed . . . contacts with Canadian student elements." (The excised words
have been deleted by the FBI.)

²⁰⁶ Memorandum from J. Edgar Hoover to the Attorney General, 9/16/70. The
only other results noted by Hoover again related to obtaining information about
the "plans and activities" of the group. Specifically mentioned were the "plans
for the National Interim Committee (ruling body of [excised]) meeting which
took place in New York and Chicago," and the plans "for demonstrations at San
Francisco, Detroit, Salt Lake City, Minneapolis and Chicago." There was no in-
dication that these demonstrations were expected to be violent. (The excised
words have been deleted by the FBI.)

²⁰⁷ See p. 321.

²⁰⁸ See pp. 321-322.

²⁰⁹ See p. 323.

²¹⁰ See p. 323.

THE DEVELOPMENT OF FBI DOMESTIC INTELLIGENCE INVESTIGATIONS

I. INTRODUCTION

During the past forty years, FBI intelligence investigations have been one of the federal government's main resources for the protection of domestic security. The executive branch, not the Congress, too, the initiative in 1936 to establish the Bureau's intelligence structure. Until this Committee's investigation, there has never been a substantial inquiry by the Congress into the policies and practices of the FBI and the executive for the conduct of domestic intelligence investigations. The purpose of this report is to set forth chronologically the development of these policies and practices, as shown by the materials obtained by the Committee from the FBI and the Justice Department.

A. Scope of the Report

There are several major limits on the scope of this report and of the inquiry it represents. Since it spans sixty years of American history, the report does not purport to be an exhaustive discussion of all the outside events which were the setting for policy decisions and the development of Bureau programs. Nor does this report touch on many of the most controversial cases in the FBI's past, such as the Hiss and Rosenberg cases, which have recently been the subject of extensive historical reconsideration on the basis of materials made public under the Freedom of Information Act. Rather, the narrative which follows concentrates on the Bureau's general policies and formal programs, with specific illustrations of what appear to be typical applications of these investigative standards.¹

Furthermore, the Committee has not attempted to secure from the FBI and the Justice Department an exhaustive compilation of all policy materials relating to domestic intelligence over the entire period since 1936. For example, the Committee has reviewed all versions of the FBI Manual Sections pertaining to intelligence only as far back as 1960. The same cut-off date was used in the Committee's requests for such basic policy documents as the "SAC Letters" (regular instructions to the Special Agents in Charge of all FBI field offices from Bureau headquarters) and memoranda recording decisions of the FBI's Executive Conference (composed of all Bureau executives at the level of Assistant Director and above). However, substantial information about pre-1960 intelligence policies was obtained in con-

¹ Separate Committee Reports deal with the most intrusive investigative techniques (Electronic Surveillance, Surveillances Entry, Mail Opening, and Informants), FBI programs going beyond investigation to the disruption of targeted groups and individuals (COINTELPRO), and one specific case study combining all types of Bureau operations (Dr. Martin Luther King, Jr.).

WFO 100-47757

WFO is holding the publication of this news letter in abeyance since activities on the part of the SDS in WDC have fallen off drastically.

WFO has been maintaining its contacts with its sources in the administration of the various universities and is attempting to convince through the sources the administration of these universities of the danger of being permissive relative to radical revolutionary groups on the campuses.

TANGIBLE RESULTS

The SDS Washington area regional office and the SDS chapters at American University and Georgetown University have been broken up. The chapter at George Washington University, although holding meetings on occasion, have not engaged in the usual protest activities.

This was accomplished by causing dissension among the SDS in the WDC area, utilizing sources well versed in the political differences of the New Left.

No counterintelligence action will be taken by WFO without specific Bureau authorization.

24
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-449698)
FROM : SAC, WFO (100-47757)
SUBJECT: COINTELPRO-NEW LEFT

DATE: 8/4/69

Re Bureau let, 5/10/68.

POTENTIAL COUNTERINTELLIGENCE ACTION

WFO contemplates the utilization of sources to capitalize on the political differences which are now prevalent, particularly in the SDS, and other New Left organizations.

Sources will be encouraged to undertake leadership roles in the various factions and stimulate dissension among them.

If necessary, WFO will establish a leafleting program designed at stimulating conservative students on the campus to take action against the radical students.

The program will include leaflets attacking the SDS from the Left and leaflets relating the New Left movement to the Nazi movement.

Propaganda efforts will also be made to maintain the "separativeness" of the blacks and the whites and to stimulate political attacks by the blacks against the "lilly white" New Left groups.

PENDING COUNTERINTELLIGENCE ACTION

WFO has pending the publication of a New Left news letter designed to subtly highlight inconsistencies in political philosophies of the New Left movement, particularly the SDS.

2-Bureau

1-WFO

GTG:rak

(3)

REC-42

5 AUG 5 1969

EX-103

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PLAINTIFF'S
EXHIBIT

5

WFO 100-47757

WFO is holding the publication of this news letter in abeyance since activities on the part of the SDS in WDC have fallen off drastically.

WFO has been maintaining its contacts with its sources in the administration of the various universities and is attempting to convince through the sources the administration of these universities of the danger of being permissive relative to radical revolutionary groups on the campuses.

TANGIBLE RESULTS

The SDS Washington area regional office and the SDS chapters at American University and Georgetown University have been broken up. The chapter at George Washington University, although holding meetings on occasion, have not engaged in the usual protest activities.

This was accomplished by causing dissension among the SDS in the WDC area, utilizing sources well versed in the political differences of the New Left.

No counterintelligence action will be taken by WFO without specific Bureau authorization.

38

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-449698)

DATE: 6/26/70

FROM : SAC, WFO (100-47757)

SUBJECT: COINTELPRO-NEW LEFT

Re Bulet 5/10/68.

POTENTIAL COUNTER INTELLIGENCE ACTION

WFO is continuing attempts to develop plans to utilize sources to promote political differences in New Left organizations, and also to turn Black Militant groups away from any alliance with the New Left groups.

Plans are also under development to continue to produce either a regular newsletter or leaflets for distribution on local college campuses. Inasmuch as these areas are presently quiet due to the summer recess, all such activity will be held in abeyance until the new school year begins and the tone of New Left activity is evident.

PENDING COUNTERINTELLIGENCE ACTION

WFO was recently responsible for tremendously aiding this program in other field divisions, when a WFO source was able, without detection, to obtain the mailing list of all dues paying National University Conference members. This material will provide a rich source of Counterintelligence Action.

REC 3Z 100-449698-534

WFO is continuing to maintain contact with local university administrators in an attempt to convince them of the potential danger New Left radicals pose to their institutions. In connection with this phase of the program, some of the Bureau's public source material, such as the Director's public messages, have been utilized to the fullest extent.

1- 712 P
2 Bureau
1 WFO
EJW:jem
(3)

JUN 30 1970

RESEARCH SECTION



JUL 7 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

1796

PLAINTIFF'S
EXHIBIT
6

MEMORANDUM
TO THE SECRETARY OF THE ARMY

DATE: 10/10/50

FROM: [illegible]

SUBJECT: [illegible]

RE: [illegible]

1. SUMMARY

It is recommended that the proposed project be approved for funding. The project is of great importance to the Army and will contribute significantly to the development of the Army's capabilities in the field of [illegible].

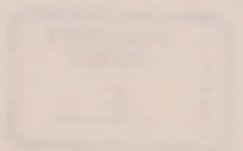
The project is being proposed by [illegible] and is being conducted in cooperation with the [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible].

2. DETAILS

The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible].

The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible].

The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible]. The project is being conducted in the field of [illegible] and is being conducted in the field of [illegible].



WFO 100-47757

TANGIBLE RESULTS

On 5/7/70 intensive surveillances by Bureau agents on 1932 17th St., N.W., WDC, the former headquarters for the Voice from the Mother Country, an underground type newspaper, alleged to have Weathermen affiliations, produced evidence sufficient enough to obtain a search warrant. The surveillance caused the occupants of this area to become unnerved and led to their attempt to flee the premises with several weapons. Two of these individuals were arrested and after being faced with possible jail sentences, they proclaimed themselves to be out of the revolutionary movement. Those remaining in the premises moved from this building during the week of 6/14/70.

